CHASE AND STUART'S CLASSICAL SERIES.

M. TULLII CICERONIS

DE OFFICIIS

LIBRI TRES.

With Explanatory Notes.

BY

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THIRD REVISED EDITION

HINDS, NOBLE & ELDREDGE

31-33-35 West Fifteenth Street

New York

CHASE & STUART'S CLASSICAL SERIES

— COMPRISES —

FIRST YEAR IN LATIN,
A LATIN GRAMMAR,
A LATIN READER,

And Editions of all the Latin Authors usually read in Schools and Colleges.

TO

THE REV. WILLIAM A. STEARNS, D.D., LL.D.,

PRESIDENT OF AMHERST COLLEGE,

THIS EDITION OF

CICERO DE OFFICIIS

Is Respectfully Inscribed.

De Officiis,

Quae volumina ediscenda non modo in manibus cotidie habenda nosti.

Plin. *Hist. Nat Praef.*

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PREFACE

WITHIN a comparatively recent period, and since the appearance of any American edition, the text of the De Officiis, as well as of the other philosophical writings of Cicero, has been thoroughly revised by some of the ablest German critics. That of Baiter, in the Tauchnitz series, published in 1865, is here presented, with a very few changes made, as the result of a comparison of it with the recension of Orelli's edition by Baiter and Halm in 1861, and Otto Heine's third edition in Haupt and Sauppe's classical series, (Berlin, 1866.) All important differences of reading have been cited and considered in the Notes.

To those who are familiar with the plan and object of this series of text-books, it is not necessary to state that in the preparation of the Notes the aim has been to furnish such aid of every kind for the interpretation of the text, and such only, as shall meet the real wants of the pupil without superseding the necessity of thorough study on his part. They have been chiefly derived from the annotations of Heine and J. von Gruber, both published in 1866, and of Holden, in 1869, while considerable use has also been made of the older commentaries of Bonnell, A. W. Zumpt, Billerbeck ed. by Crusius, and Beier; and occasionally Garve's German version with notes and discussions, and Gernhard have been consulted. Due acknowledgment is made in the Notes of the sources from which they have been taken.

As in the other volumes of the series, parallel grammatical references are made to the five manuals now in use in different Institutions and sections of the country, all but one of which have also been given to the public for the first time, or in revised editions, within about eight years. For a correct understanding of peculiarities of construction and usage, the larger works of Madvig and Zumpt have been very frequently cited, and in many cases quoted for the benefit of those who have not

time or opportunity for the study of these authorities. For a similar reason it has been thought best not to omit entirely explanations of biographical and historical allusions, and of those to the customs and the jurisprudence of the Romans, which are so numerous in this treatise. At the stage of study at which it is usually read, few students have the necessary books of reference in their possession or time at their command for researches of this kind.

Some things respecting the author, his work, and its contents, to which the attention of the pupil needs to be called, and which otherwise would have been distributed through the Notes, have, simply for convenience and to avoid repetition, been brought together in the form of an introduction, which is of course designed for study as much as any other portion of the Notes. The "Synopsis" of the treatise has been prepared from a comparison of Zumpt's *Conspectus* with the *Outline* of J. von Gruber and the *Marginal Analysis* of Holden, in connection with a careful reading of the essay itself.

Corrections of errors of any kind which teachers or others may at any time discover will be thankfully received by the editor.

AMHERST COLLEGE, *March* 24, 1873.

NOTE.

IN this edition, the Notes have been carefully revised and grammatical references made to suit the latest editions of the four Latin Grammars now in use in different parts of the country.

E. P. C.

AMHERST COLLEGE, *December*, 1882.



M. TULLII CICERONIS

DE OFFICIIS

AD MARCUM FILIUM

LIBRI TRES.

LIBER PRIMUS.

I. Quamquam te, Marce fili, annum jam audientem Cratippum, idque Athenis, abundare oportet praeceptis institutisque philosophiae, propter summam et doctoris auctoritatem et urbis, quorum alter te scientia augere potest, altera exemplis; tamen, ut ipse ad meam utilitatem semper cum Graecis Latina conjunxi, neque id in philosophia solum, sed etiam in dicendi exercitatione feci, idem tibi censeo faciendum, ut par sis in utriusque orationis facultate. Quam quidem ad rem nos, ut videmur, magnum attulimus adjumentum hominibus nostris, ut non modo Graecarum litterarum rudes, sed etiam docti aliquantum se arbitrentur adeptos et ad dicendum et ad judicandum. Quam ob rem disces tu quidem a principe hujus aetatis philosophorum, et disces, quam diu voles; tam diu autem velle debebis, quoad te, quantum proficias, non paenitebit. Sed tamen nostra legens, non multum a Peripateticis dissidentia, quoniam utrique Socratici et Platonici volumus esse, de rebus ipsis utere tuo judicio, — nihil enim impedio, — orationem autem

Latinam efficies profecto legendis nostris pleniorem. Nec vero hoc arroganter dictum existimari velim; nam philosophandi scientiam concedens multis, quod est oratoris proprium, apte, distincte, ornate dicere, quoniam in eo studio aetatem consumpsi, si id mihi assumo, videor id meo jure quodam modo vindicare. Quam ob rem magnopere te hortor, mi Cicero, ut non solum orationes meas, sed hos etiam de philosophia libros, qui jam illis fere se aequarunt, studiose legas; vis enim major in illis dicendi sed hoc quoque colendum est aequabile et temperatum orationis genus. Et id quidem nemini video Graecorum adhuc contigisse, ut idem utroque in genere elaboraret sequereturque et illud forense dicendi et hoc quietum disputandi genus, nisi forte Demetrius Phalereus in hoc numero haberi potest, disputator subtilis, orator parum vehemens, dulcis tamen, ut Theophrasti discipulum possis agnoscere. Nos autem quantum in utroque profecerimus, aliorum sit judicium; utrumque certe secuti sumus. Equidem et Platonem existumo, si genus forense dicendi tractare voluisset, gravissime et copiosissime potuisse dicere; et Demosthenem, si illa, quae a Platone didicerat, tenuisset et pronuntiare voluisset, ornate splendideque facere potuisse. Eodemque modo de Aristotele et Isocrate judico, quorum uterque suo studio delectatus contempsit alterum.

II. Sed quum statuissem scribere ad te aliquid hoc tempore, multa posthac, ab eo ordiri maxime volui, quod et aetati tuae esset aptissimum et auctoritati meae. Nam quum multa sint in philosophia et gravia et utilia accurate copioseque a philosophis disputata, latissime patere videntur ea, quae de officiis tradita ab illis et praecepta sunt. Nulla enim vitae pars neque publicis neque privatis neque forensibus neque domesticis in rebus, neque si tecum agas quid, neque si cum altero contrahas, vacare officio potest; in eoque et colendo sita vitae est honestas omnis et negligendo turpitudo. Atque haec quidem quaestio

communis est omnium philosophorum: quis est enim, qui nullis officii praeceptis tradendis philosophum se audeat dicere? Sed sunt nonnullae disciplinae, quae propositis bonorum et malorum finibus officium omne pervertant. Nam qui summum bonum sic instituit, ut nihil habeat cum virtute conjunctum, idque suis commodis, non honestate metitur; hic, si sibi ipse consentiat et non interdum naturae bonitate vincatur, neque amicitiam colere possit nec justitiam nec liberalitatem. Fortis vero dolorem summum malum judicans, aut temperans voluptatem summum bonum statuens esse certe nullo modo potest. Quae quamquam ita sunt in promptu, ut res disputatione non egeat, tamen sunt a nobis alio loco disputata. Hae disciplinae igitur si sibi consentaneae velint esse, de officio nihil queant dicere; neque ulla officii praecepta firma, stabilia, conjuncta naturae tradi possunt, nisi aut ab iis, qui solam, aut ab iis, qui maxime honestatem propter se dicant expetendam. Ita propria est ea praeceptio Stoicorum, Academicorum, Peripateticorum; quoniam Aristonis, Pyrrhonis, Erilli jam pridem explosa sententia est, qui tamen haberent jus suum disputandi de officio, si rerum aliquem delectum reliquissent, ut ad officii inventionem aditus esset. Sequimur igitur, hoc quidem tempore et hac in quaestione potissimum Stoicos, non ut interpretes; sed, ut solemus, e fontibus eorum judicio arbitrioque nostro, quantum quoque modo videbitur, hauriemus.

Placet igitur, quoniam omnis disputatio de officio futura est, ante definire, quid sit officium: quod a Panaetio praetermissum esse miror. Omnis enim, quae ratione suscipitur, de aliqua re institutio debet a definitione proficisci, ut intelligatur, quid sit id, de quo disputetur.

III. Omnis de officio duplex est quaestio. Unum genus est, quod pertinet ad finem bonorum; alterum, quod positum est in praeceptis, quibus in omnes partes usus vitae conformari possit. Superioris generis hujus

modi sunt exempla, omniane officia perfecta sint, num quod officium aliud alio majus sit, et quae sunt generis ejusdem. Quorum autem officiorum praecepta traduntur, ea quamquam pertinent ad finem bonorum, tamen minus id apparet, quia magis ad institutionem vitae communis spectare videntur; de quibus est nobis his libris explicandum.

Atque etiam alia divisio est officii: nam et medium quoddam officium dicitur, et perfectum. Perfectum officium rectum, opinor, vocemus, quoniam Graeci κατόρθωμα, hoc autem commune officium vocant. Atque ea sic definiunt, ut, rectum quod sit, id officium perfectum esse definiant; medium autem officium id esse dicunt, quod cur factum sit, ratio probabilis reddi possit.

Triplex igitur est, ut Panaetio videtur, consilii capiendi deliberatio. Nam aut honestumne factu sit an turpe, dubitant id, quod in deliberationem cadit; in quo considerando saepe animi in contrarias sententias distrahuntur. Tum autem aut anquirunt aut consultant, ad vitae commoditatem jucunditatemque, ad facultates rerum atque copias, ad opes, ad potentiam, quibus et se possint juvare et suos, conducat id necne, de quo deliberant; quae deliberatio omnis in rationem utilitatis cadit. Tertium dubitandi genus est, quum pugnare videtur cum honesto id, quod videtur esse utile; quum enim utilitas ad se rapere, honestas contra revocare ad se videtur, fit, ut distrahatur in deliberando animus afferatque ancipitem curam cogitandi. *In* hac divisione, quum praeterire aliquid maximum vitium in dividendo sit, duo praetermissa sunt; nec enim solum, utrum honestum, an turpe sit, deliberari solet, sed etiam, duobus propositis honestis, utrum honestius, itemque, duobus propositis utilibus, utrum utilius. Ita, quam ille triplicem putavit esse rationem, in quinque partes distribui debere reperitur. Primum igitur est de honesto, sed dupliciter, tum pari ratione de utili, post de comparatione eorum disserendum.

IV. Principio generi animantium omni est a natura tributum, ut se, vitam corpusque tueatur, declinet ea, quae nocitura videantur, omniaque, quae sint ad vivendum necessaria, anquirat et paret, ut pastum, ut latibula, ut alia generis ejusdem. Commune item animantium omnium est conjunctionis appetitus procreandi causa, et cura quaedam eorum, quae procreata sunt. Sed inter hominem et beluam hoc maxime interest, quod haec tantum, quantum sensu movetur, ad id solum, quod adest quodque praesens est, se accommodat, paulum admodum sentiens praeteritum aut futurum. Homo autem, quod rationis est particeps, per quam consequentia cernit, causas rerum videt, earumque praegressus et quasi antecessiones non ignorat, similitudines comparat, rebusque praesentibus adjungit atque adnectit futuras, facile totius vitae cursum videt, ad eamque degendam praeparat res necessarias. Eademque natura vi rationis hominem conciliat homini et ad orationis et ad vitae societatem, ingeneratque in primis praecipuum quendam amorem in eos, qui procreati sunt, impellitque, ut hominum coetus et celebrationes et esse et a se obiri velit, ob easque causas studeat parare ea, quae suppeditent ad cultum et ad victum, nec sibi soli, sed conjugi, liberis, ceterisque, quos caros habeat tuerique debeat. Quae cura exsuscitat etiam animos et majores ad rem gerendam facit. In primisque hominis est propria veri inquisitio atque investigatio. Itaque quum sumus necessariis negotiis curisque vacui, tum avemus aliquid videre, audire, addiscere; cognitionemque rerum aut occultarum aut admirabilium ad beate vivendum necessariam ducimus. Ex quo intelligitur, quod verum, simplex sincerumque sit, id esse naturae hominis aptissimum. Huic veri videndi cupiditati adjuncta est appetitio quaedam principatus, ut nemini parere animus bene informatus a natura velit, nisi [praecipienti] aut docenti aut utilitatis causa juste et legitime imperanti; ex quo magnitudo animi exsistit humanarumque rerum con-

temptio. Nec vero illa parva vis naturae est rationisque, quod unum hoc animal sentit, quid sit ordo, quid sit quod deceat in factis dictisque, quid modus. Itaque eorum ipsorum, quae aspectu sentiuntur, nullum aliud animal pulchritudinem, venustatem, convenientiam partium sentit. Quam similitudinem natura ratioque ab oculis ad animum transferens, multo etiam magis pulchritudinem, constantiam, ordinem in consiliis factisque conservanda putat cavetque, ne quid indecore effeminateve faciat; tum in omnibus et opinionibus et factis, ne quid libidinose aut faciat aut cogitet. Quibus ex rebus conflatur et efficitur id, quod quaerimus, honestum; quod, etiam si nobilitatum non sit, tamen honestum sit, quodque vere dicimus, etiam si a nullo laudetur, natura esse laudabile.

V. Formam quidem ipsam, Marce fili, et tamquam faciem honesti vides; quae si oculis cerneretur, mirabiles amores, ut ait Plato, excitaret sapientiae. Sed omne, quod est honestum, id quattuor partium oritur ex aliqua. Aut enim in perspicientia veri sollertiaque versatur, aut in hominum societate tuenda tribuendoque suum cuique et rerum contractarum fide, aut in animi excelsi atque invicti magnitudine ac robore, aut in omnium, quae fiunt quaeque dicuntur, ordine et modo, in quo inest modestia et temperantia. Quae quattuor quamquam inter se colligata atque implicata sunt, tamen ex singulis certa officiorum genera nascuntur: velut ex ea parte, quae prima descripta est, in qua sapientiam et prudentiam ponimus, inest indagatio atque inventio veri; ejusque virtutis hoc munus est proprium. Ut enim quisque maxime perspicit, quid in re quaque verissimum sit, quique acutissime et celerrime potest et videre et explicare rationem, is prudentissimus et sapientissimus rite haberi solet. Quocirca huic quasi materia, quam tractet et in qua versetur, subjecta est veritas. Reliquis autem tribus virtutibus necessitates propositae sunt ad eas res parandas tuendasque, quibus

actio vitae continetur; ut et societas hominum conjunctioque servetur, et animi excellentia magnitudoque, quum in augendis opibus utilitatibusque et sibi et suis comparandis, tum multo magis in his ipsis despiciendis, eluceat. Ordo item et constantia et moderatio et ea, quae sunt his similia, versantur in eo genere, ad quod est adhibenda actio quaedam, non solum mentis agitatio; iis enim rebus, quae tractantur in vita, modum quendam et ordinem adhibentes honestatem et decus conservabimus.

VI. Ex quattuor autem locis, in quos honesti naturam vimque divisimus, primus ille, qui in veri cognitione consistit, maxime naturam attingit humanam. Omnes enim trahimur et ducimur ad cognitionis et scientiae cupiditatem, in qua excellere pulchrum putamus; labi autem, errare, nescire, decipi, et malum et turpe ducimus. In hoc genere et naturali et honesto duo vitia vitanda sunt: unum, ne incognita pro cognitis habeamus iisque temere assentiamur; quod vitium effugere qui volet—omnes autem velle debent—adhibebit ad considerandas res et tempus et diligentiam. Alterum est vitium, quod quidam nimis magnum studium multamque operam in res obscuras atque difficiles conferunt, easdemque non necessarias. Quibus vitiis declinatis, quod in rebus honestis et cognitione dignis operae curaeque ponetur, id jure laudabitur; ut in astrologia C. Sulpicium audivimus, in geometria Sex. Pompeium ipsi cognovimus, multos in dialecticis, plures in jure civili. Quae omnes artes in veri investigatione versantur, cujus studio a rebus gerendis abduci contra officium est. Virtutis enim laus omnis in actione consistit, a qua tamen fit intermissio saepe, multique dantur ad studia reditus; tum agitatio mentis, quae numquam acquiescit, potest nos in studiis cogitationis, etiam sine opera nostra, continere. Omnis autem cogitatio motusque animi aut in consiliis capiendis de rebus honestis et pertinentibus ad bene beateque vivendum aut in studiis scientiae cognitionisque

versabitur. Ac de primo quidem officii fonte diximus.

VII. De tribus autem reliquis latissime patet ea ratio, qua societas hominum inter ipsos et vitae quasi communitas continetur; cujus partes duae sunt: justitia, in qua virtutis est splendor maximus, ex qua viri boni nominantur, et huic conjuncta beneficentia, quam eandem vel benignitatem vel liberalitatem appellari licet.

Sed justitiae primum munus est, ut ne cui quis noceat, nisi lacessitus injuria; deinde, ut communibus pro communibus utatur, privatis ut suis. Sunt autem privata nulla natura, sed aut vetere occupatione, ut qui quondam in vacua venerunt, aut victoria, ut qui bello potiti sunt, aut lege, pactione, conditione, sorte. Ex quo fit, ut ager Arpinas Arpinatium dicatur, Tusculanus Tusculanorum; similisque est privatarum possessionum discriptio. Ex quo, quia suum cujusque fit, eorum, quae natura fuerant communia, quod cuique obtigit, id quisque teneat; de quo si quis sibi appetet, violabit jus humanae societatis. Sed quoniam, ut praeclare scriptum est a Platone, non nobis solum nati sumus ortusque nostri partem patria vindicat, partem amici, atque, ut placet Stoicis, quae in terris gignantur ad usum hominum omnia creari, homines autem hominum causa esse generatos, ut ipsi inter se aliis alii prodesse possent; in hoc naturam debemus ducem sequi, communes utilitates in medium afferre mutatione officiorum, dando accipiendo, tum artibus, tum opera, tum facultatibus, devincire hominum inter homines societatem. Fundamentum autem est justitiae fides, id est dictorum conventorumque constantia et veritas. Ex quo, quamquam hoc videbitur fortasse cuipiam durius, tamen audeamus imitari Stoicos, qui studiose exquirunt, unde verba sint ducta, credamusque, quia fiat, quod dictum est, appellatam fidem.

Sed injustitiae genera duo sunt: unum eorum, qui inferunt; alterum eorum, qui ab iis, quibus infertur,

si possunt, non propulsant injuriam. Nam qui injuste impetum in quempiam facit, aut ira aut aliqua perturbatione incitatus, is quasi manus afferre videtur socio; qui autem non defendit nec obsistit, si potest, injuriae, tam est in vitio, quam si parentes aut amicos aut patriam deserat. Atque illae quidem injuriae, quae nocendi causa de industria inferuntur, saepe a metu proficiscuntur; quum is, qui nocere alteri cogitat, timet ne, nisi id fecerit, ipse aliquo afficiatur incommodo. Maximam autem partem ad injuriam faciendam aggrediuntur, ut adipiscantur ea, quae concupiverunt, in quo vitio latissime patet avaritia.

VIII. Expetuntur autem divitiae quum ad usus vitae necessarios, tum ad perfruendas voluptates. In quibus autem major est animus, in iis pecuniae cupiditas spectat ad opes et ad gratificandi facultatem; ut nuper M. Crassus negabat ullam satis magnam pecuniam esse ei, qui in re publica princeps vellet esse, cujus fructibus exercitum alere non posset. Delectant etiam magnifici apparatus vitaeque cultus cum elegantia et copia; quibus rebus effectum est, ut infinita pecuniae cupiditas esset. Nec vero rei familiaris amplificatio, nemini nocens, vituperanda est, sed fugienda semper injuria est. Maxime autem adducuntur plerique, ut eos justitiae capiat oblivio, quum in imperiorum, honorum, gloriae cupiditatem inciderunt. Quod enim est apud Ennium,

nulla sancta societas
Nec fides regni est,

id latius patet; nam quicquid ejus modi est, in quo non possint plures excellere, in eo fit plerumque tanta contentio, ut difficillimum sit servare *sanctam societatem.* Declaravit id modo temeritas C. Cæsaris, qui omnia jura divina et humana pervertit propter eum, quem sibi ipse opinionis errore finxerat, principatum. Est autem in hoc genere molestum, quod in maximis animis splendidissimisque ingeniis plerum-

que exsistunt honoris, imperii, potentiae, gloriae cupiditates; quo magis cavendum est, ne quid in eo genere peccetur. Sed in omni injustitia permultum interest, utrum perturbatione aliqua animi, quae plerumque brevis est et ad tempus, an consulto et cogitata fiat injuria; leviora enim sunt ea, quae repentino aliquo motu accidunt, quam ea, quae meditata et praeparata inferuntur. Ac de inferenda quidem injuria satis dictum est.

IX. Praetermittendae autem defensionis deserendique officii plures solent esse causae. Nam aut inimicitias aut laborem aut sumptus suscipere nolunt; aut etiam negligentia, pigritia, inertia aut suis studiis quibusdam occupationibusve sic impediuntur, ut eos, quos tutari debeant, desertos esse patiantur. Itaque videndum est, ne non satis sit id, quod apud Platonem est in philosophos dictum, quod in veri investigatione versentur quodque ea, quae plerique vehementer expetant, de quibus inter se digladiari soleant, contemnant et pro nihilo putent, propterea justos esse. Nam alterum justitiae genus assequuntur, inferenda ne cui noceant injuria, in alterum incidunt; discendi enim studio impediti, quos tueri debent, deserunt. Itaque eos ne ad rem publicam quidem accessuros putat, nisi coactos. Aequius autem erat id voluntate fieri; nam hoc ipsum ita justum est, quod recte fit, si est voluntarium. Sunt etiam, qui aut studio rei familiaris tuendae aut odio quodam hominum, suum se negotium agere dicant, nec facere cuiquam videantur injuriam: qui altero genere injustitiae vacant, in alterum incurrunt; deserunt enim vitae societatem, quia nihil conferunt in eam studii, nihil operae, nihil facultatum.

Quoniam igitur duobus generibus injustitiae propositis adjunximus causas utriusque generis easque res ante constituimus, quibus justitia contineretur, facile, quod cujusque temporis officium sit, poterimus, nisi nosmet ipsos valde amabimus, judicare. Est enim difficilis cura rerum alienarum: quamquam Terenti-

anus ille Chremes *humani nihil a se alienum putat.* Sed tamen quia magis ea percipimus atque sentimus, quae nobis ipsis aut prospera aut adversa eveniunt, quam illa, quae ceteris, quae quasi longo intervallo interjecto videmus, aliter de illis, ac de nobis, judicamus. Quocirca bene praecipiunt, qui vetant quicquam agere, quod dubites aequum sit, an iniquum; aequitas enim lucet ipsa per se, dubitatio cogitationem significat injuriae.

X. Sed incidunt saepe tempora, quum ea, quae maxime videntur digna esse justo homine eoque, quem virum bonum dicimus, commutantur fiuntque contraria, ut reddere depositum, facere promissum; quaeque pertinent ad veritatem et ad fidem, ea migrare interdum et non servare fit justum. Referri enim decet ad ea, quae posui principio, fundamenta justitiae: primum, ut ne cui noceatur; deinde, ut communi utilitati serviatur. Ea quum tempore commutantur, commutatur officium, et non semper est idem. Potest enim accidere promissum aliquod et conventum, ut id effici sit inutile vel ei, cui promissum sit, vel ei, qui promiserit. Nam si, ut in fabulis est, Neptunus, quod Theseo promiserat, non fecisset, Theseus Hippolyto filio non esset orbatus: ex tribus enim optatis, ut scribitur, hoc erat tertium, quod de Hippolyti interitu iratus optavit; quo impetrato, in maximos luctus incidit. Nec promissa igitur servanda sunt ea, quae sint iis, quibus promiseris, inutilia, nec, si plus tibi ea noceant quam illi prosint, cui promiseris, contra officium est majus anteponi minori; ut, si constitueris cuipiam te advocatum in rem praesentem esse venturum, atque interim graviter aegrotare filius coeperit, non sit contra officium non facere, quod dixeris; magisque ille, cui promissum sit, ab officio discedat, si se destitutum queratur. Jam illis promissis standum non esse quis non videt, quae coactus quis metu, quae deceptus dolo promiserit? quae quidem pleraque jure praetorio liberantur, nonnulla legibus. Exsistunt etiam saepe injuriae calumnia

quadam et nimis callida [sed malitiosa] juris interpretatione. Ex quo illud, *Summum jus summa injuria*, factum est jam tritum sermone proverbium. Quo in genere etiam in re publica multa peccantur; ut ille, qui, quum triginta dierum essent cum hoste indutiae factae, noctu populabatur agros, quod dierum essent pactae, non noctium indutiae. Ne noster quidem probandus, si verum est, Q. Fabium Labeonem seu quem alium — nihil enim habeo praeter auditum — arbitrum Nolanis et Neapolitanis de finibus a senatu datum, quum ad locum venisset, cum utrisque separatim locutum, ne cupide quid agerent, ne appetenter, atque ut regredi, quam progredi mallent. Id quum utrique fecissent, aliquantum agri in medio relictum est. Itaque illorum fines sic, ut ipsi dixerant, terminavit; in medio relictum quod erat, populo Romano adjudicavit. Decipere hoc quidem est, non judicare. Quocirca in omni est re fugienda talis sollertia.

XI. Sunt autem quaedam officia etiam adversus eos servanda, a quibus injuriam acceperis. Est enim ulciscendi et puniendi modus; atque haud scio, an satis sit, eum, qui lacessierit, injuriae suae poenitere, ut et ipse ne quid tale posthac, et ceteri sint ad injuriam tardiores. Atque in re publica maxime conservanda sunt jura belli. Nam quum sint duo genera decertandi, unum per disceptationem, alterum per vim, quumque illud proprium sit hominis, hoc beluarum; confugiendum est ad posterius, si uti non licet superiore. Quare suscipienda quidem bella sunt ob eam causam, ut sine injuria in pace vivatur; parta autem victoria, conservandi ii, qui non crudeles in bello, non immanes fuerunt; ut majores nostri Tusculanos, Aequos, Volscos, Sabinos, Hernicos in civitatem etiam acceperunt, at Carthaginem et Numantiam funditus sustulerunt. Nollem Corinthum; sed credo aliquid secutos, opportunitatem loci maxime, ne posset aliquando ad bellum faciendum locus ipse adhortari. Mea quidem sententia paci, quae nihil habitura sit

insidiarum, semper est consulendum. In quo si mihi esset obtemperatum, si non optimam, at aliquam rem publicam, quae nunc nulla est, haberemus. Et quum iis, quos vi deviceris, consulendum est, tum ii, qui armis positis ad imperatorum fidem confugient, quamvis murum aries percusserit, recipiendi. In quo tanto opere apud nostros justitia culta est, ut ii, qui civitates aut nationes devictas bello in fidem recepissent, earum patroni essent more majorum. Ac belli quidem aequitas sanctissime fetiali populi Romani jure perscripta est. Ex quo intelligi potest, nullum bellum esse justum, nisi quod aut rebus repetitis geratur aut denunciatum ante sit et indictum. [Popilius imperator tenebat provinciam, in cujus exercitu Catonis filius tiro militabat. Quum autem Popilio videretur unam dimittere legionem, Catonis quoque filium, qui in eadem legione militabat, dimisit. Sed quum amore pugnandi in exercitu remansisset, Cato ad Popilium scripsit, ut, si eum patitur in exercitu remanere, secundo eum obliget militiae sacramento; quia, priore amisso, jure cum hostibus pugnare non poterat. Adeo summa erat observatio in bello movendo.] Marci quidem Catonis senis est epistola ad Marcum filium, in qua scribit, se audisse eum missum factum esse a consule, quum in Macedonia bello Persico miles esset. Monet igitur, ut caveat, ne proelium ineat; negat enim jus esse, qui miles non sit, cum hoste pugnare.

XII. Equidem etiam illud animadverto, quod, qui proprio nomine perduellis esset, is hostis vocaretur, lenitate verbi rei tristitiam mitigatam. Hostis enim apud majores nostros is dicebatur, quem nunc peregrinum dicimus. Indicant duodecim tabulae: AVT STATVS DIES CVM HOSTE, itemque: ADVERSVS HOSTEM AETERNA AVCTORITAS. Quid ad hanc mansuetudinem addi potest, eum, quicum bellum geras, tam molli nomine appellare? Quamquam id nomen durius effecit jam vetustas; a peregrino enim recessit et proprie in eo, qui arma contra ferret, remansit. Quum

vero de imperio decertatur belloque quaeritur gloria, causas omnino subesse tamen oportet easdem, quas dixi paulo ante justas causas esse bellorum. Sed ea bella, quibus imperii proposita gloria est, minus acerbe gerenda sunt. Ut enim cum civi aliter contendimus, si est inimicus, aliter, si competitor, — cum altero certamen honoris et dignitatis est, cum altero capitis et famae, — sic cum Celtiberis, cum Cimbris bellum ut cum inimicis gerebatur, uter esset, non uter imperaret; cum Latinis, Sabinis, Samnitibus, Poenis, Pyrrho de imperio dimicabatur. Poeni foedifragi, crudelis Hannibal; reliqui justiores. Pyrrhi quidem de captivis reddendis illa praeclara:

Nec mi aurum posco, nec mi pretium dederitis :
Non cauponantes bellum, sed belligerantes,
Ferro non auro, vitam cernamus utrique,
Vosne velit an me regnare hera, quidve ferat, Fors,
Virtute experiamur. Et hoc simul accipe dictum :
Quorum virtuti belli fortuna pepercit,
Eorundem libertati me parcere certum est :
Dono, ducite, doque, volentibus cum magnis dis.

Regalis sane et digna Aeacidarum genere sententia.

XIII. Atque etiam, si quid singuli temporibus adducti hosti promiserunt, est in eo ipso fides conservanda: ut primo Punico bello Regulus captus a Poenis, quum de captivis commutandis Romam missus esset jurassetque se rediturum, primum, ut venit, captivos reddendos in senatu non censuit; deinde, quum retineretur a propinquis et ab amicis, ad supplicium redire maluit, quam fidem hosti datam fallere. [Secundo autem Punico bello, post Cannensem pugnam, quos decem Hannibal Romam astrictos misit jure jurando se redituros esse, nisi de redimendis iis, qui capti erant, impetrassent, eos omnes, censores, quoad quisque eorum vixit, qui pejerassent, in aerariis reliquerunt; nec minus illum, qui juris jurandi fraude culpam invenerat. Quum enim Hannibalis permissu exisset de castris, rediit

paulo post, quod se oblitum nescio quid diceret. Deinde egressus e castris, jure jurando se solutum putabat; et erat verbis, re non erat. Semper autem in fide, quid senseris, non, quid dixeris, cogitandum. Maximum autem exemplum est justitiae in hostem a majoribus nostris constitutum, quum a Pyrrho perfuga senatui est pollicitus, se venenum regi daturum et eum necaturum. Senatus et C. Fabricius perfugam Pyrrho dedidit. Ita ne hostis quidem et potentis et bellum ultro inferentis interitum cum scelere approbavit.] Ac de bellicis quidem officiis satis dictum est. Meminerimus autem etiam adversus infimos justitiam esse servandam. Est autem infima conditio et fortuna servorum, quibus non male praecipiunt qui ita jubent uti ut mercenariis, operam exigendam, justa praebenda. Quum autem duobus modis, id est aut vi aut fraude, fiat injuria, fraus quasi vulpeculae, vis leonis videtur: utrumque homine alienissimum, sed fraus odio digna majore. Totius autem injustitiae nulla capitalior quam eorum, qui tum, quum maxime fallunt, id agunt, ut viri boni esse videantur. De justitia satis dictum.

XIV. Deinceps, ut erat propositum, de beneficentia ac de liberalitate dicatur, qua quidem nihil est naturae hominis accommodatius, sed habet multas cautiones. Videndum est enim primum, ne obsit benignitas et iis ipsis, quibus benigne videbitur fieri, et ceteris; deinde, ne major benignitas sit quam facultates; tum, ut pro dignitate cuique tribuatur. Id enim est justitiae fundamentum, ad quam haec referenda sunt omnia. Nam et qui gratificantur cuipiam, quod obsit illi, cui prodesse velle videantur, non benefici neque liberales, sed perniciosi assentatores judicandi sunt; et qui aliis nocent, ut in alios liberales sint, in eadam sunt injustitia, ut si in suam rem aliena convertant. Sunt autem multi et quidem cupidi splendoris et gloriae, qui eripiunt aliis, quod aliis largiantur, iique arbitrantur se beneficos in suos amicos visum iri, si locupletent eos quacumque

ratione. Id autem tantum abest ab officio, ut nihil magis officio possit esse contrarium. Videndum est igitur, ut ea liberalitate utamur, quae prosit amicis, noceat nemini. Quare L. Sullae, C. Caesaris pecuniarum translatio a justis dominis ad alienos non debet liberalis videri; nihil est enim liberale, quod non idem justum. Alter locus erat cautionis, ne benignitas major esset quam facultates: quod qui benigniores volunt esse quam res patitur, primum in eo peccant, quod injuriosi sunt in proximos; quas enim copias his et suppeditari aequius est et relinqui, eas transferunt ad alienos. Inest autem in tali liberalitate cupiditas plerumque rapiendi et auferendi per injuriam, ut ad largiendum suppetant copiae. Videre etiam licet plerosque non tam natura liberales quam quadam gloria ductos, ut benefici videantur, facere multa, quae proficisci ab ostentatione magis, quam a voluntate videantur. Talis autem simulatio vanitati est conjunctior, quam aut liberalitati aut honestati. Tertium est propositum, ut in beneficentia delectus esset dignitatis; in quo et mores ejus erunt spectandi, in quem beneficium conferetur, et animus erga nos et communitas ac societas vitae, et ad nostras utilitates officia ante collata. Quae ut concurrant omnia, optabile est; si minus, plures causae majoresque ponderis plus habebunt.

XV. Quoniam autem vivitur non cum perfectis hominibus planeque sapientibus, sed cum iis, in quibus praeclare agitur si sunt simulacra virtutis; etiam hoc intelligendum puto, neminem omnino esse negligendum, in quo aliqua significatio virtutis appareat, colendum autem esse ita quemque maxime, ut quisque maxime virtutibus his lenioribus erit ornatus, modestia, temperantia, hac ipsa, de qua multa jam dicta sunt, justitia. Nam fortis animus et magnus, in homine non perfecto nec sapienti, ferventior plerumque est: illae virtutes bonum virum videntur potius attingere. Atque haec in moribus. De benevolentia autem, quam quisque habeat erga nos, primum illud

est in officio, ut ei plurimum tribuamus, a quo plurimum diligamur; sed benevolentiam non adolescentulorum more ardore quodam amoris, sed stabilitate potius et constantia judicemus. Sin erunt merita, ut non ineunda, sed referenda sit gratia, major quaedam cura adhibenda est; nullum enim officium referenda gratia magis necessarium est. Quod si ea, quae utenda acceperis, majore mensura, si modo possis, jubet reddere Hesiodus, quidnam beneficio provocati facere debemus? an imitari agros fertiles, qui multo plus efferunt quam acceperunt? Etenim si in eos, quos speramus nobis profuturos, non dubitamus officia conferre, quales in eos esse debemus, qui jam profuerunt? Nam quum duo genera liberalitatis sint, unum dandi beneficii, alterum reddendi, demus necne, in nostra potestate est; non reddere viro bono non licet, modo id facere possit sine injuria. Acceptorum autem beneficiorum sunt delectus habendi, nec dubium, quin maximo cuique plurimum debeatur. In quo tamen in primis, quo quisque animo, studio, benevolentia fecerit, ponderandum est. Multi enim faciunt multa temeritate quadam sine judicio, vel morbo in omnes, vel repentino quodam, quasi vento, impetu animi incitati; quae beneficia aeque magna non sunt habenda atque ea, quae judicio, considerate constanterque delata sunt. Sed in collocando beneficio et in referenda gratia, si cetera paria sunt, hoc maxume officii est, ut quisque maxume opis indigeat, ita ei potissimum opitulari. Quod contra fit a plerisque; a quo enim plurimum sperant, etiam si ille iis non eget, tamen ei potissimum inserviunt.

XVI. Optime autem societas hominum conjunctioque servabitur, si, ut quisque erit conjunctissimus, ita in eum benignitatis plurimum conferetur. Sed, quae naturae principia sint communitatis et societatis humanae, repetendum videtur altius. Est enim primum, quod cernitur in universi generis humani societate. Ejus autem vinculum est ratio et oratio, quae docendo, discendo, communicando, disceptando, judi-

cando conciliat inter se homines conjungitque naturali quadam societate; neque ulla re longius absumus a natura ferarum, in quibus inesse fortitudinem saepe dicimus, ut in equis, in leonibus, justitiam, aequitatem, bonitatem non dicimus; sunt enim rationis et orationis expertes. Ac latissime quidem patens hominibus inter ipsos, omnibus inter omnes, societas haec est: in qua omnium rerum, quas ad communem hominum usum natura genuit, est servanda communitas, ut, quae discripta sunt legibus et jure civili, haec ita teneantur, ut est constitutum legibus ipsis; cetera sic observentur, ut in Graecorum proverbio est, *amicorum esse communia omnia.* Omnium autem communia hominum videntur ea, quae sunt generis ejus, quod ab Ennio positum in una re transferri in permultas potest:

Homo, qui erranti comiter monstrat viam,
Quasi lumen de suo lumine accendat, facit.
Nihilo minus ipsi lucet, quum illi accenderit.

Una ex re satis praecipit, ut, quicquid sine detrimento commodari possit, id tribuatur vel ignoto. Ex quo sunt illa communia: non prohibere aqua profluente, pati ab igne ignem capere, si qui velit, consilium fidele deliberanti dare; quae sunt iis utilia, qui accipiunt danti non molesta. Quare et his utendum est, et semper aliquid ad communem utilitatem afferendum. Sed quoniam copiae parvae singulorum sunt, eorum autem, qui his egeant, infinita est multitudo, vulgaris liberalitas referenda est ad illum Ennii finem, *nihilo minus ipsi lucet;* ut facultas sit, qua in nostros simus liberales.

XVII. Gradus autem plures sunt societatis hominum. Ut enim ab illa infinita discedatur, propior est ejusdem gentis, nationis, linguae, qua maxume homines conjunguntur. Interius etiam est ejusdem esse civitatis; multa enim sunt civibus inter se communia: forum, fana, porticus, viae, leges, jura, judicia,

suffragia, consuetudines praeterea et familiaritates, multisque cum multis res rationesque contractae. Artior vero colligatio est societatis propinquorum; ab illa enim immensa societate humani generis in exiguum angustumque concluditur. Nam quum sit hoc natura commune animantium, ut habeant lubidinem procreandi. prima societas in ipso conjugio est, proxima in liberis, deinde una domus, communia omnia. Id autem est principium urbis et quasi seminarium rei publicae. Sequuntur fratrum conjunctiones, post consobrinorum sobrinorumque; qui quum una domo jam capi non possint, in alias domos, tamquam in colonias, exeunt. Sequuntur connubia et affinitates, ex quibus etiam plures propinqui: quae propagatio et suboles origo est rerum publicarum. Sanguinis autem conjunctio et benevolentia devincit homines et caritate; magnum est enim eadem habere monumenta majorum, eisdem uti sacris, sepulcra habere communia. Sed omnium societatum nulla praestantior est, nulla firmior, quam quum viri boni, moribus similes, sunt familiaritate conjuncti; illud enim honestum, quod saepe dicimus, etiam si in alio cernimus, [tamen] nos movet atque illi, in quo id inesse videtur, amicos facit. Et quamquam omnis virtus nos ad se allicit facitque, ut eos diligamus, in quibus ipsa inesse videatur, tamen justitia et liberalitas id maxime efficit. Nihil autem est amabilius nec copulatius, quam morum similitudo bonorum; in quibus enim eadem studia sunt, eaedem voluntates, in iis fit, ut aeque quisque altero delectetur, ac se ipso, efficiturque id, quod Pythagoras vult in amicitia, ut unus fiat ex pluribus. Magna etiam illa communitas est, quae conficitur ex beneficiis ultro et citro datis acceptis; quae et mutua et grata dum sunt, inter quos ea sunt firma devinciuntur societate. Sed quum omnia ratione animoque lustraris, omnium societatum nulla est gravior, nulla carior, quam ea, quae cum re publica est unicuique nostrum. Cari sunt parentes, cari liberi, propinqui, familiares; sed omnes omnium

caritates patria una complexa est, pro qua quis bonus dubitet mortem oppetere, si ei sit profuturus? Quo est detestabilior istorum immanitas, qui lacerarunt omni scelere patriam et in ea funditus delenda occupati et sunt et fuerunt. Sed si contentio quaedam et comparatio fiat, quibus plurimum tribuendum sit officii, principes sint patria et parentes, quorum beneficiis maximis obligati sumus; proximi liberi totaque domus, quae spectat in nos solos neque aliud ullum potest habere perfugium; deinceps bene convenientes propinqui, quibuscum communis etiam fortuna plerumque est. Quam ob rem necessaria praesidia vitae debentur iis maxime, quos ante dixi; vita autem victusque communis, consilia, sermones, cohortationes, consolationes, interdum etiam objurgationes, in amicitiis vigent maxime: estque ea jucundissima amicitia, quam similitudo morum conjugavit.

XVIII. Sed in his omnibus officiis tribuendis videndum erit, quid cuique maxime necesse sit, et quid quisque vel sine nobis aut possit consequi aut non possit. Ita non iidem erunt necessitudinum gradus, qui temporum; suntque officia, quae aliis magis quam aliis debeantur, ut vicinum citius adjuveris in fructibus percipiendis, quam aut fratrem aut familiarem, at, si lis in judicio sit, propinquum potius et amicum quam vicinum defenderis. Haec igitur et talia circumspicienda sunt in omni officio [et consuetudo exercitatioque capienda], ut boni ratiocinatores officiorum esse possimus et addendo deducendoque videre, quae reliqui summa fiat; ex quo, quantum cuique debeatur, intelligas. Sed ut nec medici nec imperatores nec oratores, quamvis artis praecepta perceperint, quicquam magna laude dignum sine usu et exercitatione consequi possunt, sic officii conservandi praecepta traduntur illa quidem, ut facimus ipsi; sed rei magnitudo usum quoque exercitationemque desiderat. Atque ab iis rebus, quae sunt in jure societatis humanae, quemadmodum ducatur honestum, ex quo aptum est officium, satis fere diximus.

Intelligendum autem est, quum proposita sint genera quattuor, e quibus honestas officiumque manaret, splendidissimum videri, quod animo magno elatoque humanasque res despiciente factum sit. Itaque in probris maxime in promptu est, si quid tale dici potest:

Vos enim, juvenes, animum geritis muliebrem, illa virgo viri,

et si quid ejusmodi:

Salmaci, da spolia sine sudore et sanguine.

Contraque in laudibus, quae magno animo et fortiter excellenterque gesta sunt, ea nescio quo modo quasi pleniore ore laudamus. Hinc rhetorum campus de Marathone, Salamine, Plataeis, Thermopylis, Leuctris; hinc noster Cocles, hinc Decii, hinc Cnaeus et Publius Scipiones, hinc M. Marcellus, innumerabiles alii: maximeque ipse populus Romanus animi magnitudine excellit. Declaratur autem studium bellicae gloriae, quod statuas quoque videmus ornatu fere militari.

XIX. Sed ea animi elatio, quae cernitur in periculis et laboribus, si justitia vacat pugnatque non pro salute communi, sed pro suis commodis, in vitio est; non modo enim id virtutis non est, sed est potius immanitatis omnem humanitatem repellentis. Itaque probe definitur a Stoicis fortitudo, quum eam virtutem esse dicunt propugnantem pro aequitate. Quocirca nemo, qui fortitudinis gloriam consecutus est insidiis et malitia, laudem est adeptus: nihil honestum esse potest, quod justitia vacat. Praeclarum igitur illud Platonis: *Non*, inquit, *solum scientia, quae est remota ab justitia, calliditas potius quam sapientia est appellanda; verum etiam animus paratus ad periculum, si sua cupiditate, non utilitate communi impellitur, audaciae potius nomen habeat quam fortitudinis.* Itaque viros fortes et magnanimos eosdem bonos et

simplices, veritatis amicos minimeque fallaces esse volumus: quae sunt ex media laude justitiae. Sed illud odiosum est, quod in hac elatione et magnitudine animi facillime pertinacia et nimia cupiditas principatus innascitur. Ut enim apud Platonem est, omnem morem Lacedaemoniorum inflammatum esse cupiditate vincendi; sic, ut quisque animi magnitudine maxume excellit, ita maxume volt princeps omnium vel potius solus esse. Difficile autem est, quum praestare omnibus concupieris, servare aequitatem, quae est justitiae maxume propria. Ex quo fit, ut neque disceptatione vinci se nec ullo publico ac legitimo jure patiantur; exsistuntque in re publica plerumque largitores et factiosi, ut opes quam maxumas consequantur et sint vi potius superiores, quam justitia pares. Sed quo difficilius, hoc praeclarius: nullum enim est tempus, quod justitia vacare debeat. Fortes igitur et magnanimi sunt habendi non, qui faciunt, sed, qui propulsant injuriam. Vera autem et sapiens animi magnitudo honestum illud, quod maxume natura sequitur, in factis positum, non in gloria judicat, principemque se esse mavolt, quam videri. Etenim qui ex errore imperitae multitudinis pendet, hic in magnis viris non est habendus. Facillime autem ad res injustas impellitur, ut quisque altissimo animo est, gloriae cupiditate. Qui locus est sane lubricus, quod vix invenitur, qui, laboribus susceptis periculisque aditis, non quasi mercedem rerum gestarum desideret gloriam.

XX. Omnino fortis animus et magnus duabus rebus maxime cernitur; quarum una in rerum externarum despicientia ponitur, quum persuasum est, nihil hominem, nisi quod honestum decorumque sit, aut admirari aut optare aut expetere oportere, nullique neque homini neque perturbationi animi nec fortunae succumbere. Altera est res, ut, quum ita sis affectus animo, ut supra dixi, res geras magnas illas quidem et maxume utiles, sed [ut] vehementer arduas plenasque laborum et periculorum quum vitae, tum

multarum rerum, quae ad vitam pertinent. Harum rerum duarum splendor omnis, amplitudo, addo etiam utilitatem, in posteriore est, causa autem et ratio efficiens magnos viros in priore: in eo est enim illud, quod excellentes animos et humana contemnentes facit. Id autem ipsum cernitur in duobus, si et solum id, quod honestum sit, bonum judices et ab omni animi perturbatione liber sis. Nam et ea, quae eximia plerisque et praeclara videntur, parva ducere eaque ratione stabili firmaque contemnere fortis animi magnique ducendum est; et ea, quae videntur acerba, quae multa et varia in hominum vita fortunaque versantur, ita ferre, ut nihil a statu naturae discedas, nihil a dignitate sapientis, robusti animi est magnaeque constantiae. Non est autem consentaneum, qui metu non frangatur, eum frangi cupiditate, nec, qui invictum se a labore praestiterit, vinci a voluptate. Quam ob rem et haec vitanda, et pecuniae fugienda cupiditas: nihil enim est tam angusti animi tamque parvi, quam amare divitias; nihil honestius magnificentiusque quam pecuniam contemnere, si non habeas, si habeas, ad beneficentiam liberalitatemque conferre. Cavenda etiam est gloriae cupiditas, ut supra dixi; eripit enim libertatem, pro qua magnanimis viris omnis debet esse contentio. Nec vero imperia expetenda, ac potius aut non accipienda interdum aut deponenda nonnumquam. Vacandum autem omni est animi perturbatione, quum cupiditate et metu, tum etiam aegritudine et voluptate et iracundia; ut tranquillitas animi et securitas adsit, quae affert quum constantiam, tum etiam dignitatem. Multi autem et sunt et fuerunt, qui eam, quam dico, tranquillitatem expetentes, a negotiis publicis se removerint ad otiumque perfugerint: in his et nobilissimi philosophi longeque principes et quidam homines severi et graves nec populi nec principum mores ferre potuerunt, vixeruntque nonnulli in agris, delectati re sua familiari. His idem propositum fuit, quod regibus, ut ne

qua re egerent, ne cui parerent, libertate uterentur; cujus proprium est sic vivere, ut velis.

XXI. Quare, quum hoc commune sit potentiae cupidorum cum iis, quos dixi, otiosis, alteri se adipisci id posse arbitrantur, si opes magnas habeant, alteri, si contenti sint et suo et parvo. In quo neutrorum omnino contemnenda sententia est: sed et facilior et tutior et minus aliis gravis aut molesta vita est otiosorum; fructuosior autem hominum generi et ad claritatem amplitudinemque aptior eorum, qui se ad rem publicam et ad magnas res gerendas accommodaverunt. Quapropter et iis forsitan concedendum sit rem publicam non capessentibus, qui excellenti ingenio doctrinae sese dediderunt; et iis, qui aut valetudinis imbecilitate aut aliqua graviore causa impediti a re publica recesserunt, quum ejus administrandae potestatem aliis laudemque concederent. Quibus autem talis nulla est causa, si despicere se dicant ea, quae plerique mirentur, imperia et magistratus, iis non modo non laudi, verum etiam vitio dandum puto. Quorum judicium in eo, quod gloriam contemnant et pro nihilo putent, difficile factu est non probare; sed videntur labores et molestias, tum offensionum et repulsarum quasi quandam ignominiam timere et infamiam. Sunt enim, qui in rebus contrariis parum sibi constent; voluptatem severissime contemnant, in dolore sint molliores, gloriam negligant, frangantur infamia; atque ea quidem non satis constanter. Sed iis, qui habent a natura adjumenta rerum gerendarum, abjecta omni cunctatione, adipiscendi magistratus et gerenda res publica est; nec enim aliter aut regi civitas aut declarari animi magnitudo potest. Capessentibus autem rem publicam nihilo minus, quam philosophis, haud scio an magis etiam, et magnificentia et despicientia adhibenda est rerum humanarum, quam saepe dico, et tranquillitas animi atque securitas, si quidem nec anxii futuri sunt, et cum gravitate constantiaque victuri. Quae faciliora sunt philosophis, quo minus

multa patent in eorum vita, quae fortuna feriat, et quo minus multis rebus egent; et quia, si quid adversi eveniat, tam graviter cadere non possunt. Quocirca non sine causa majores motus animorum concitantur, majorque cura efficiendi rem publicam gerentibus quam quietis; quo magis iis et magnitudo est animi adhibenda et vacuitas ab angoribus. Ad rem gerendam autem qui accedit, caveat, ne id modo consideret, quam illa res honesta sit, sed etiam, ut habeat efficiendi facultatem: in quo ipso considerandum est, ne aut temere desperet propter ignaviam aut nimis confidat propter cupiditatem. In omnibus autem negotiis, prius quam adgrediare, adhibenda est praeparatio diligens.

XXII. Sed quum plerique arbitrentur, res bellicas majores esse quam urbanas, minuenda est haec opinio. Multi enim bella saepe quaesiverunt propter gloriae cupiditatem; atque id in magnis animis ingeniisque plerumque contingit, eoque magis, si sunt ad rem militarem apti [et cupidi bellorum gerendorum]. Vere autem si volumus judicare, multae res exstiterunt urbanae majores clarioresque quam bellicae. Quamvis enim Themistocles jure laudetur, et sit ejus nomen quam Solonis illustrius, citeturque Salamis clarissimae testis victoriae, quae anteponatur consilio Solonis ei, quo primum constituit Areopagitas, non minus praeclarum hoc quam illud judicandum est. Illud enim semel profuit, hoc semper proderit civitati: hoc consilio leges Atheniensium, hoc majorum instituta servantur. Et Themistocles quidem nihil dixerit, in quo ipse Areopagum adjuverit, at ille vere, a se adjutum Themistoclem; est enim bellum gestum consilio senatus ejus, qui a Solone erat constitutus. Licet eadem de Pausania Lysandroque dicere, quorum rebus gestis quamquam imperium *partum* Lacedaemoniis putatur, tamen ne minima quidem ex parte Lycurgi legibus et disciplinae conferendi sunt; quin etiam ob has ipsas causas et parentiores habuerunt exercitus et fortiores. Mihi

quidem neque, pueris nobis, M. Scaurus C. Mario, neque, quum versaremur in re publica, Q. Catulus Cn. Pompeio cedere videbatur; parvi enim sunt foris arma, nisi est consilium domi. Nec plus Africanus, singularis et vir et imperator, in exscindenda Numantia rei publicae profuit, quam eodem tempore P. Nasica privatus, quum Ti. Gracchum interemit. Quamquam haec quidem res non solum ex domestica est ratione — attingit etiam bellicam, quoniam vi manuque confecta est, — sed tamen id ipsum est gestum consilio urbano, sine exercitu. Illud autem optimum est, in quod invadi solere ab improbis et invidis audio:

Cedant arma togae, concedat laurea laudi.

Ut enim alios omittam, nobis rem publicam gubernantibus, nonne togae arma cesserunt? Neque enim periculum in re publica fuit gravius umquam, nec majus otium: ita consiliis diligentiaque nostra celeriter de manibus audacissimorum civium delapsa arma ipsa ceciderunt. Quae res igitur gesta umquam in bello tanta? qui triumphus conferendus? Licet enim mihi, Marce fili, apud te gloriari, ad quem et hereditas hujus gloriae et factorum imitatio pertinet. Mihi quidem certe vir abundans bellicis laudibus, Cn. Pompeius, multis audientibus, hoc tribuit, ut diceret frustra se triumphum tertium deportaturum fuisse, nisi meo in rem publicam beneficio, ubi triumpharet, esset habiturus. Sunt igitur domesticae fortitudines non inferiores militaribus; in quibus plus etiam, quam in his, operae studiique ponendum est.

XXIII. Omnino illud honestum, quod ex animo excelso magnificoque quaerimus, animi efficitur, non corporis viribus. Exercendum tamen corpus et ita afficiendum est, ut obedire consilio rationique possit in exsequendis negotiis et in labore tolerando. Honestum autem id, quod exquirimus, totum est positum

in animi cura et cogitatione; in quo non minorem utilitatem afferunt, qui togati rei publicae praesunt, quam qui bellum gerunt. Itaque eorum consilio saepe aut non suscepta aut confecta bella sunt, nonnumquam etiam illata; ut M. Catonis bellum tertium Punicum, in quo etiam mortui valuit auctoritas. Quare expetenda quidem magis est decernendi ratio, quam decertandi fortitudo; sed cavendum, ne id bellandi magis fuga, quam utilitatis ratione faciamus. Bellum autem ita suscipiatur, ut nihil aliud nisi pax quaesita videatur. Fortis vero animi et constantis est, non perturbari rebus asperis, nec tumultuantem de gradu dejici, ut dicitur; sed praesenti animo uti et consilio, nec a ratione discedere. Quamquam hoc animi, illud etiam ingenii magni est, praecipere cogitatione futura, et aliquanto ante constituere, quid accidere possit in utramque partem, et quid agendum sit, quum quid evenerit, nec committere, ut aliquando dicendum sit *non putaram*. Haec sunt opera magni animi et excelsi, et prudentia consilioque fidentis. Temere autem in acie versari, et manu cum hoste confligere, immane quiddam et beluarum simile est, sed quum tempus necessitasque postulat, decertandum manu est, et mors servituti turpitudinique anteponenda.

XXIV. De evertendis diripiendisque urbibus valde considerandum est, ne quid temere, ne quid crudeliter. Idque est viri magni, rebus agitatis, punire sontes, multitudinem conservare, in omni fortuna recta atque honesta retinere. Ut enim sunt, quemadmodum supra dixi, qui urbanis rebus bellicas anteponant, sic reperias multos, quibus periculosa et calida consilia quietis et cogitatis splendidiora et majora videantur. Numquam omnino periculi fuga committendum est, ut imbelles timidique videamur: sed fugiendum illud etiam, ne offeramus nos periculis sine causa; quo esse nihil potest stultius. Quapropter in adeundis periculis consuetudo imitanda medicorum est, qui leviter aegrotantes leniter curant, gravioribus

autem morbis periculosas curationes et ancipites adhibere coguntur. Quare in tranquillo tempestatem adversam optare dementis est, subvenire autem tempestati quavis ratione sapientis; eoque magis, si plus adipiscare re explicata boni, quam addubitata mali. Periculosae autem rerum actiones partim iis sunt, qui eas suscipiunt, partim rei publicae. Itemque alii de vita, alii de gloria et benevolentia civium in discrimen vocantur. Promptiores igitur debemus esse ad nostra pericula, quam ad communia, dimicareque paratius de honore et gloria, quam de ceteris commodis. Inventi autem multi sunt, qui non modo pecuniam, sed etiam vitam profundere pro patria parati essent, iidem gloriae jacturam ne minimam quidem facere vellent, ne re publica quidem postulante. Ut Callicratidas, qui, quum Lacedaemoniorum dux fuisset Peloponnesiaco bello, multaque fecisset egregie, vertit ad extremum omnia, quum consilio non paruit eorum, qui classem ab Arginusis removendam nec cum Atheniensibus dimicandum putabant. Quibus ille respondit, Lacedaemonios, classe illa amissa, aliam parare posse; se fugere sine suo dedecore non posse. Atque haec quidem Lacedaemoniis plaga mediocris; illa pestifera, qua, quum Cleombrotus invidiam timens temere cum Epaminonda conflixisset, Lacedaemoniorum opes corruerunt. Quanto Q. Maximus melius! de quo Ennius:

Unus homo nobis cunctando restituit rem;
Noenum rumores ponebat ante salutem:
Ergo postque magisque viri nunc gloria claret.

Quod genus peccandi vitandum est etiam in rebus urbanis. Sunt enim, qui, quod sentiunt, etsi optimum sit, tamen invidiae metu non audent dicere.

XXV. Omnino qui rei publicae praefuturi sunt duo Platonis praecepta teneant: unum, ut utilitatem civium sic tueantur, ut, quaecunque agunt, ad eam referant, obliti commodorum suorum; alterum, ut

totum corpus rei publicae curent, ne, dum partem aliquam tuentur, reliquas deserant. Ut enim tutela, sic procuratio rei publicae ad eorum utilitatem, qui commissi sunt, non ad eorum, quibus commissa est, gerenda est. Qui autem parti civium consulunt, partem negligunt, rem perniciosissimam in civitatem inducunt, seditionem atque discordiam: ex quo evenit, ut alii populares, alii studiosi optimi cujusque videantur, pauci universorum. Hinc apud Athenienses magnae discordiae; in nostra re publica non solum seditiones, sed etiam pestifera bella civilia: quae gravis et fortis civis et in re publica dignus principatu fugiet atque oderit, tradetque se totum rei publicae, neque opes aut potentiam consectabitur, totamque eam sic tuebitur, ut omnibus consulat. Nec vero criminibus falsis in odium aut invidiam quemquam vocabit; omninoque ita justitiae honestatique adhaerescet, ut, dum ea conservet, quamvis graviter offendat, mortemque oppetat potius, quam deserat illa, quae dixi. Miserrima omnino est ambitio honorumque contentio; de qua praeclare apud eundem est Platonem, similiter facere eos, qui inter se contenderent, uter potius rem publicam administraret, ut si nautae certarent, quis eorum potissimum gubernaret. Idemque praecipit, ut eos adversarios existimemus, qui arma contra ferant, non eos, qui suo judicio tueri rem publicam velint; qualis fuit inter P. Africanum et Q. Metellum sine acerbitate dissensio.

Nec vero audiendi, qui graviter inimicis irascendum putabunt, idque magnanimi et fortis viri esse censebunt; nihil enim laudabilius, nihil magno et praeclaro viro dignius placabilitate atque clementia. In liberis vero populis et in juris aequabilitate exercenda etiam est facilitas et altitudo animi, quae dicitur; ne, si irascamur aut intempestive accedentibus aut impudenter rogantibus, in morositatem inutilem et odiosam incidamus. Et tamen ita probanda est mansuetudo atque clementia, ut adhibeatur rei publicae causa severitas, sine qua administrari civitas non potest.

Omnis autem et animadversio et castigatio contumelia vacare debet, neque ad ejus, qui punitur aliquem aut verbis castigat, sed ad rei publicae utilitatem referri. Cavendum est etiam, ne major poena quam culpa sit, et ne iisdem de causis alii plectantur, alii ne appellentur quidem. Prohibenda autem maxime est ira in puniendo. Numquam enim, iratus qui accedet ad poenam, mediocritatem illam tenebit, quae est inter nimium et parum; quae placet Peripateticis, et recte placet, modo ne laudarent iracundiam, et dicerent utiliter a natura datam. Illa vero omnibus in rebus repudianda est, optandumque, ut ii, qui praesunt rei publicae, legum similes sint, quae ad puniendum non iracundia, sed aequitate ducuntur.

XXVI. Atque etiam in rebus prosperis et ad voluntatem nostram fluentibus superbiam magno opere, fastidium arrogantiamque fugiamus. Nam ut adversas res, sic secundas immoderate ferre levitatis est; praeclaraque est aequabilitas in omni vita, et idem semper vultus eademque frons, ut de Socrate itemque de C. Laelio accepimus. Philippum quidem, Macedonum regem, rebus gestis et gloria superatum a filio, facilitate et humanitate video superiorem fuisse. Itaque alter semper magnus, alter saepe turpissimus; ut recte praecipere videantur, qui monent, ut, quanto superiores simus, tanto nos geramus summissius. Panaetius quidem Africanum, auditorem et familiarem suum, solitum ait dicere, ut equos, propter crebras contentiones proeliorum ferocitate exsultantes, domitoribus tradere soleant, ut iis facilioribus possint uti, sic homines secundis rebus effrenatos sibique praefidentes tamquam in gyrum rationis et doctrinae duci oportere, ut perspicerent rerum humanarum imbecillitatem varietatemque fortunae. Atque etiam in secundissimis rebus maxime est utendum consilio amicorum, iisque major etiam quam ante tribuenda auctoritas. Iisdemque temporibus cavendum est, ne assentatoribus patefaciamus aures, neve adulari nos sinamus; in quo falli facile est. Tales enim nos esse

putamus, ut jure laudemur: ex quo nascuntur innumerabilia peccata, quum homines inflati opinionibus turpiter irridentur, et in maximis versantur erroribus. Sed haec quidem hactenus. Illud autem sic est judicandum, maximas geri res et maximi animi ab iis, qui res publicas regant, quod earum administratio latissime pateat ad plurimosque pertineat; esse autem magni animi et fuisse multos etiam in vita otiosa, qui aut investigarent aut conarentur magna quaedam seseque suarum rerum finibus continerent, aut interjecti inter philosophos et eos, qui rem publicam administrarent, delectarentur re sua familiari, non eam quidem omni ratione exaggerantes, neque excludentes ab ejus usu suos potiusque et amicis impertientes et rei publicae, si quando usus esset. Quae primum bene parta sit, nullo neque turpi quaestu, neque odioso; deinde augeatur ratione, diligentia, parsimonia; tum quam plurimis, modo dignis, se utilem praebeat; nec lubidini potius luxuriaeque quam liberalitati et beneficentiae pareat. Haec praescripta servantem licet magnifice, graviter animoseque vivere, atque etiam simpliciter, fideliter, vere hominum amice.

XXVII. Sequitur, ut de una reliqua parte honestatis dicendum sit; in qua verecundia, et quasi quidam ornatus vitae, temperantia et modestia, omnisque sedatio perturbationum animi, et rerum modus cernitur. Hoc loco continetur id, quod dici Latine decorum potest; Graece enim πρέπον dicitur. Hujus vis ea est, ut ab honesto non queat separari. Nam et quod decet honestum est, et quod honestum est decet. Qualis autem differentia sit honesti et decori, facilius intelligi, quam explanari potest. Quicquid est enim, quod deceat, id tum apparet, quum antegressa est honestas. Itaque non solum in hac parte honestatis, de qua hoc loco disserendum est, sed etiam in tribus superioribus, quid deceat, apparet. Nam et ratione uti atque oratione prudenter, et agere quod agas considerate, omnique in re, quid sit veri, videre

et tueri decet; contraque falli, errare, labi, decipi tam dedecet, quam delirare et mente esse captum. Et justa omnia decora sunt; injusta contra, ut turpia, sic indecora. Similis est ratio fortitudinis. Quod enim viriliter animoque magno fit, id dignum viro et decorum videtur; quod contra, id ut turpe, sic indecorum. Quare pertinet quidem ad omnem honestatem hoc, quod dico, decorum, et ita pertinet, ut non recondita quadam ratione cernatur, sed sit in promptu. Est enim quiddam — idque intelligitur in omni virtute — quod deceat; quod cogitatione magis a virtute potest quam re separari. Ut venustas et pulchritudo corporis secerni non potest a valetudine, sic hoc, de quo loquimur, decorum, totum illud quidem est cum virtute confusum, sed mente et cogitatione distinguitur. Est autem ejus discriptio duplex; nam et generale quoddam decorum intelligimus, quod in omni honestate versatur, et aliud huic subjectum, quod pertinet ad singulas partes honestatis. Atque illud superius sic fere definiri solet: decorum id esse, quod consentaneum sit hominis excellentiae in eo, in quo natura ejus a reliquis animantibus differat. Quae autem pars subjecta generi est, eam sic definiunt, ut id decorum velint esse, quod ita naturae consentaneum sit, ut in eo moderatio et temperantia appareat cum specie quadam liberali.

XXVIII. Haec ita intelligi possumus existimare ex eo decoro, quod poetae sequuntur; de quo alio loco plura dici solent. Sed tum servare illud poetas, quod deceat, dicimus, quum id, quod quaque persona dignum est, et fit et dicitur. Ut, si Aeacus aut Minos diceret *Oderint, dum metuant*, aut

Natis sepulcro ipse est parens,

indecorum videretur, quod eos fuisse justos accepimus: at Atreo dicente, plausus excitantur; est enim digna persona oratio. Sed poetae, quid quemque deceat, ex persona judicabunt; nobis autem personam imposuit

ipsa natura magna cum excellentia praestantiaque animantium reliquarum. Quocirca poetae, in magna varietate personarum, etiam vitiosis quid conveniat, et quid deceat, videbunt: nobis autem quum a natura constantiae, moderationis, temperantiae, verecundiae partes datae sint, quumque eadem natura doceat non negligere, quemadmodum nos adversus homines geramus, efficitur, ut et illud, quod ad omnem honestatem pertinet, decorum, quam late fusum sit, appareat, et hoc, quod spectatur in unoquoque genere virtutis. Ut enim pulchritudo corporis apta compositione membrorum movet oculos, et delectat hoc ipso, quod inter se omnes partes cum quodam lepore consentiunt, sic hoc decorum, quod elucet in vita, movet approbationem eorum, quibuscum vivitur, ordine et constantia et moderatione dictorum omnium atque factorum. Adhibenda est igitur quaedam reverentia adversus homines, et optimi cujusque, et reliquorum. Nam negligere, quid de se quisque sentiat, non solum arrogantis est, sed etiam omnino dissoluti. Est autem quod differat, in hominum ratione habenda, inter justitiam et verecundiam. Justitiae partes sunt non violare homines, verecundiae non offendere; in quo maxume vis perspicitur decori. His igitur expositis quale sit id, quod decere dicimus, intellectum puto.

Officium autem, quod ab eo ducitur, hanc primum habet viam, quae deducit ad convenientiam conservationemque naturae: quam si sequemur ducem, numquam aberrabimus, sequemurque et id, quod acutum et perspicax natura est, et id, quod ad hominum consociationem accommodatum, et id, quod vehemens atque forte. Sed maxuma vis decori in hac inest parte, de qua disputamus; neque enim solum corporis, qui ad naturam apti sunt, sed multo etiam magis animi motus probandi, qui item ad naturam accommodati sunt. Duplex est enim vis animorum atque natura: una pars in appetitu posita est, quae est ὁρμή Graece, quae hominem huc et illuc rapit; altera in

ratione, quae docet et explanat, quid faciendum fugiendumque sit. [Ita fit, ut ratio praesit, appetitus obtemperet.

XXIX. Omnis autem actio vacare debet temeritate et negligentia, nec vero agere quicquam, cujus non possit causam probabilem reddere; haec est enim fere descriptio officii.] Efficiendum autem est, ut appetitus rationi obediant, eamque neque praecurrant, nec propter pigritiam aut ignaviam deserant, sintque tranquilli, atque omni animi perturbatione careant: ex quo elucebit omnis constantia omnisque moderatio. Nam qui appetitus longius evagantur, et tamquam exsultantes sive cupiendo, sive fugiendo, non satis a ratione retinentur, ii sine dubio finem et modum transeunt: relinquunt enim et abjiciunt obedientiam, nec rationi parent, cui sunt subjecti lege naturae: a quibus non modo animi perturbantur, sed etiam corpora. Licet ora ipsa cernere iratorum, aut eorum, qui aut libidine aliqua aut metu commoti sunt aut voluptate nimia gestiunt: quorum omnium vultus, voces, motus statusque mutantur. Ex quibus illud intelligitur, ut ad officii formam revertamur, appetitus omnes contrahendos sedandosque esse, excitandamque animadversionem et diligentiam, ut ne quid temere ac fortuito, inconsiderate negligenterque agamus. Neque enim ita generati a natura sumus, ut ad ludum et jocum facti esse videamur: ad severitatem potius, et ad quaedam studia graviora atque majora. Ludo autem et joco uti illo quidem licet, sed sicut somno et quietibus ceteris, tum, quum gravibus seriisque rebus satis fecerimus. Ipsumque genus jocandi non profusum nec immodestum, sed ingenuum et facetum esse debet. Ut enim pueris non omnem ludendi licentiam damus, sed eam, quae ab honestatis actionibus non sit aliena, sic in ipso joco aliquod probi ingenii lumen eluceat. Duplex omnino est jocandi genus: unum illiberale, petulans, flagitiosum, obscenum; alterum elegans, urbanum, ingeniosum, facetum. Quo genere non modo Plautus

noster et Atticorum antiqua comoedia, sed etiam philosophorum Socraticorum libri referti sunt; multaque multorum facete dicta, ut ea, quae a sene Catone collecta sunt, quae vocant ἀποφθέγματα. Facilis igitur est distinctio ingenui et illiberalis joci. Alter est, si tempore fit, aut si remisso animo, *magno* homine dignus; alter ne libero quidem, si rerum turpitudini adhibetur verborum obscenitas. Ludendi etiam est quidam modus retinendus, ut ne nimis omnia profundamus, elatique voluptate in aliquam turpitudinem delabamur. Suppeditant autem et campus noster et studia venandi honesta exempla ludendi.

XXX. Sed pertinet ad omnem officii quaestionem, semper in promptu habere, quantum natura hominis pecudibus reliquisque beluis antecedat. Illae nihil sentiunt nisi voluptatem, ad eamque feruntur omni impetu; hominis autem mens discendo alitur et cogitando, semper aliquid aut anquirit aut agit, videndique et audiendi delectatione ducitur. Quin etiam, si quis est paulo ad voluptates propensior, modo ne sit ex pecudum genere — sunt enim quidam homines non re, sed nomine, — sed si quis est paulo erectior, quamvis voluptate capiatur, occultat et dissimulat appetitum voluptatis, propter verecundiam. Ex quo intelligitur, corporis voluptatem non satis esse dignam hominis praestantia, eamque contemni et rejici oportere; sin sit quispiam, qui aliquid tribuat voluptati, diligenter ei tenendum esse ejus fruendae modum. Itaque victus cultusque corporis ad valetudinem referatur et ad vires, non ad voluptatem. Atque etiam si considerare volemus, quae sit in natura excellentia et dignitas, intelligemus, quam sit turpe diffluere luxuria, et delicate ac molliter vivere; quamque honestum parce, continenter, severe, sobrie.

Intelligendum etiam est, duabus quasi nos a natura indutos esse personis; quarum una communis est, ex eo, quod omnes participes sumus rationis praestantiaeque ejus, qua antecellimus bestiis, a qua omne

honestum decorumque trahitur, et ex qua ratio inveniendi officii exquiritur; altera autem, quae proprie singulis est tributa. Ut enim in corporibus magnae dissimilitudines sunt — alios videmus velocitate ad cursum, alios viribus ad luctandum valere; itemque in formis aliis dignitatem inesse, aliis venustatem —, sic in animis exsistunt majores etiam varietates. Erat in L. Crasso, in L. Philippo multus lepos, major etiam magisque de industria in C. Caesare, L. filio: at iisdem temporibus in M. Scauro et in M. Druso adulescente singularis severitas, in C. Laelio multa hilaritas, in ejus familiari Scipione ambitio major, vita tristior. De Graecis autem dulcem et facetum, festivique sermonis, atque in omni oratione simulatorem, quem εἴρωνα Graeci nominarunt, Socratem accepimus; contra Pythagoram et Periclem summam auctoritatem consecutos sine ulla hilaritate. Callidum Hannibalem ex Poenorum, ex nostris ducibus Q. Maximum accepimus, facile celare, tacere, dissimulare, insidiari, praeripere hostium consilia. In quo genere Graeci Themistoclem et Pheraeum Jasonem ceteris anteponunt; in primisque versutum et callidum factum Solonis, qui, quo et tutior ejus vita esset, et plus aliquanto rei publicae prodesset, furere se simulavit. Sunt his alii multum dispares, simplices et aperti, qui nihil ex occulto, nihil de insidiis agendum putant, veritatis cultores, fraudis inimici; itemque alii, qui quidvis perpetiantur, cuivis deserviant, dum quod velint consequantur, ut Sullam et M. Crassum videbamus. Quo in genere versutissimum et patientissimum Lacedaemonium Lysandrum accepimus; contraque Callicratidan, qui praefectus classis proximus post Lysandrum fuit. Itemque in sermonibus aliquem, quamvis praepotens sit, efficere, ut unus de multis esse videatur: quod in Catulo, et in patre, et in filio, idemque in Q. Mucio Mancia vidimus. Audivi ex majoribus natu, hoc idem fuisse in P Scipione Nasica; contraque patrem ejus, illum, qui Ti. Gracchi conatus perditos vindicavit, nullam comitatem

habuisse sermonis, [ne Xenocratem quidem, severissimum philosophorum] ob eamque rem ipsam magnum et clarum fuisse. Innumerabiles aliae dissimilitudines sunt naturae morumque, minime tamen vituperandorum.

XXXI. Admodum autem tenenda sunt sua cuique, non vitiosa, sed tamen propria, quo facilius decorum illud, quod quaerimus, retineatur. Sic enim est faciendum, ut contra universam naturam nihil contendamus, ea tamen conservata, propriam nostram sequamur; ut, etiam si sint alia graviora atque meliora, tamen nos studia nostra nostrae naturae regula metiamur. Neque enim attinet naturae repugnare, nec quicquam sequi, quod assequi non queas: ex quo magis emergit, quale sit decorum illud, ideo quia nihil decet invita Minerva, ut aiunt, id est, adversante et repugnante natura. Omnino si quicquam est decorum, nihil est profecto magis, quam aequabilitas *quum* universae vitae, tum singularum actionum; quam conservare non possis, si aliorum naturam imitans omittas tuam. Ut enim sermone eo debemus uti, qui innatus est nobis, ne, ut quidam Graeca verba inculcantes, jure optimo rideamur; sic in actiones omnemque vitam nullam discrepantiam conferre debemus. Atque haec differentia naturarum tantam habet vim, ut nonnumquam mortem sibi ipse consciscere alius debeat, alius [in eadem causa] non debeat. Num enim alia in causa M. Cato fuit, alia ceteri, qui se in Africa Caesari tradiderunt? Atqui ceteris forsitan vitio datum esset, si se interemissent, propterea quod lenior eorum vita et mores fuerant faciliores: Catoni quum incredibilem tribuisset natura gravitatem, eamque ipse perpetua constantia roboravisset, semperque in proposito susceptoque consilio permansisset, moriendum potius, quam tyranni voltus aspiciendus fuit. Quam multa passus est Ulixes in illo errore diuturno, quum et mulieribus, si Circe et Calypso mulieres appellandae sunt inserviret, et in omni sermone omnibus affabilem esse se vellet! Domi vero

etiam contumelias servorum ancillarumque pertulit, ut ad id aliquando, quod cupiebat, veniret. At Ajax, quo animo traditur, millies oppetere mortem, quam illa perpeti maluisset. Quae contemplantes expendere oportebit, quid quisque habeat sui, eaque moderari, nec velle experiri, quam se aliena deceant: id enim maxume quemque decet, quod est cujusque maxume. Suum quisque igitur noscat ingenium, acremque se et bonorum et vitiorum suorum judicem praebeat, ne scaenici plus, quam nos, videantur habere prudentiae. Illi enim non optimas, sed sibi accommodatissimas fabulas eligunt: qui voce freti sunt, Epigonos Medumque, qui gestu, Melanippam, Clytaemnestram, semper Rupilius, quem ego memini, Antiopam, non saepe Aesopus Ajacem. Ergo histrio hoc videbit in scaena, non videbit sapiens vir in vita? Ad quas igitur res aptissimi erimus, in iis potissimum elaborabimus. Sin aliquando necessitas nos ad ea detruserit, quae nostri ingenii non erunt, omnis adhibenda erit cura, meditatio, diligentia, ut ea, si non decore, at quam minime indecore facere possimus; nec tam est enitendum, ut bona, quae nobis data non sint, sequamur, quam ut vitia fugiamus.

XXXII. Ac duabus iis personis, quas supra dixi, tertia adjungitur, quam casus aliqui aut tempus imponit; quarta etiam, quam nobismet ipsi judicio nostro accommodamus. Nam regna, imperia, nobilitas, honores, divitiae, opes, eaque, quae sunt his contraria, in casu sita temporibus gubernantur: ipsi autem gerere quam personam velimus, a nostra voluntate proficiscitur. Itaque se alii ad philosophiam, alii ad jus civile, alii ad eloquentiam applicant; ipsarumque virtutum in alia alius mavolt excellere. Quorum vero patres aut majores aliqua gloria praestiterunt, ii student plerumque eodem in genere laudis excellere, ut Q. Mucius, P. filius in jure civili, Pauli filius Africanus in re militari. Quidam autem ad eas laudes, quas a patribus acceperunt, addunt aliquam suam;

ut hic idem Africanus eloquentia cumulavit bellicam gloriam, quod idem fecit Timotheus, Cononis filius, qui, quum belli laude non inferior fuisset, quam pater, ad eam laudem doctrinae et ingenii gloriam adjecit. Fit autem interdum ut nonnulli, omissa imitatione majorum, suum quoddam institutum consequantur; maximeque in eo plerumque elaborant ii, qui magna sibi proponunt, obscuris orti majoribus. Haec igitur omnia, quum quaerimus, quid deceat, complecti animo et cogitatione debemus. In primis autem constituendum est, quos nos et quales esse velimus, et in quo genere vitae; quae deliberatio est omnium difficillima. Ineunte enim adolescentia, quum est maxima imbecillitas consilii, tum id sibi quisque genus aetatis degendae constituit, quod maxime adamavit. Itaque ante implicatur aliquo certo genere cursuque vivendi, quam potuit, quod optimum esset, judicare. Nam quod Herculem Prodicus dicit, ut est apud Xenophontem, quum primum pubesceret, quod tempus a natura ad deligendum, quam quisque viam vivendi sit ingressurus, datum est, exisse in solitudinem, atque ibi sedentem diu secum multumque dubitasse, quum duas cerneret vias, unam Voluptatis, alteram Virtutis, utram ingredi melius esset, hoc Herculi, Jovis satu edito, potuit fortasse contingere; nobis non item, qui imitamur, quos cuique visum est, atque ad eorum studia institutaque impellimur. Plerumque autem, parentium praeceptis imbuti, ad eorum consuetudinem moremque deducimur. Alii multitudinis judicio feruntur, quaeque majori parti pulcherrima videntur, ea maxime exoptant. Nonnulli tamen sive felicitate quadam, sive bonitate naturae, sine parentium disciplina, rectam vitae secuti sunt viam.

XXXIII. Illud autem maxime rarum genus est eorum, qui aut excellenti ingenii magnitudine, aut praeclara eruditione atque doctrina, aut utraque re ornati, spatium etiam deliberandi habuerunt, quem potissimum vitae cursum sequi vellent; in qua deliberatione ad suam cujusque naturam consilium est

omne revocandum. Nam quum in omnibus, quae aguntur, ex eo, quo modo quisque natus est (ut supra dictum est) quid deceat, exquirimus, tum in tota vita constituenda, multo est ei rei cura major adhibenda, ut constare in perpetuitate vitae possimus nobismet ipsis, nec in ullo officio claudicare. Ad hanc autem rationem quoniam maximam vim natura habet, fortuna proximam, utriusque omnino habenda ratio est in deligendo genere vitae, sed naturae magis; multo enim et firmior est et constantior, ut fortuna nonnumquam tamquam ipsa mortalis cum immortali natura pugnare videatur. Qui igitur ad naturae suae non vitiosae genus consilium vivendi omne contulerit, is constantiam teneat — id enim maxime decet, — nisi forte se intellexerit errasse in deligendo genere vitae. Quod si acciderit — potest autem accidere, — facienda morum institutorumque mutatio est. Eam mutationem, si tempora adjuvabunt, facilius commodiusque faciemus: sin minus, sensim erit pedetemptimque facienda, ut amicitias, quae minus delectent et minus probentur, magis decere censent sapientes sensim diluere, quam repente praecidere. Commutato autem genere vitae, omni ratione curandum est, ut id bono consilio fecisse videamur. Sed, quoniam paulo ante dictum est imitandos esse majores, primum illud exceptum sit, ne vitia sint imitanda. Deinde, si natura non feret, ut quaedam imitari possit, ut superioris filius Africani, qui hunc Paulo natum adoptavit, propter infirmitatem valetudinis non tam potuit patris similis esse, quam ille fuerat sui: si igitur non poterit sive causas defensitare, sive populum concionibus tenere, sive bella gerere, illa tamen praestare debebit, quae erunt in ipsius potestate, justitiam, fidem, liberalitatem, modestiam, temperantiam, quo minus ab eo id, quod desit, requiratur. Optima autem hereditas a patribus traditur liberis, omnique patrimonio praestantior, gloria virtutis rerumque gestarum; cui dedecori esse, nefas [et vitium] judicandum est.

XXXIV. Et quoniam officia non eadem disparibus aetatibus tribuuntur, aliaque sunt juvenum, alia seniorum, aliquid etiam de hac distinctione dicendum est. Est igitur adolescentis, majores natu vereri, exque iis deligere optimos et probatissimos, quorum consilio atque auctoritate nitatur; ineuntis enim aetatis inscitia senum constituenda et regenda prudentia est. Maxume autem haec aetas a libidinibus arcenda est, exercendaque in labore patientiaque et animi et corporis, ut eorum et in bellicis et in civilibus officiis vigeat industria. Atque etiam quum relaxare animos et dare se jucunditati volent, caveant intemperantiam, meminerint verecundiae; quod erit facilius, si *ne* in ejusmodi quidem rebus majores natu nolent interesse. Senibus autem labores corporis minuendi, exercitationes animi etiam augendae videntur: danda vero opera, ut et amicos et juventutem et maxime rem publicam consilio et prudentia quam plurimum adjuvent. Nihil autem magis cavendum est senectuti, quam ne languori se desidiaeque dedat. Luxuria vero quum omni aetati turpis, tum senectuti foedissima est. Sin autem etiam libidinum intemperantia accessit, duplex malum est, quod et ipsa senectus dedecus concipit, et facit adolescentium impudentiorem intemperantiam. Ac ne illud quidem alienum est, de magistratuum, de privatorum, [de civium,] de peregrinorum officiis dicere. Est igitur proprium munus magistratus, intelligere, se gerere personam civitatis debereque ejus dignitatem et decus sustinere, servare leges, jura discribere, ea fidei suae commissa meminisse. Privatum autem oportet aequo et pari cum civibus jure vivere, neque summissum et abjectum, neque se efferentem; tum in re publica ea velle, quae tranquilla et honesta sint: talem enim solemus et sentire bonum civem, et dicere. Peregrini autem atque incolae officium est, nihil praeter suum negotium agere, nihil de alio anquirere, minimeque esse in aliena re publica curiosum. Ita fere officia reperientur, quum quaeretur, quid deceat, et quid

aptum sit personis, temporibus, aetatibus. Nihil est autem, quod tam deceat, quam in omni re gerenda consilioque capiendo servare constantiam.

XXXV. Sed quoniam decorum illud in omnibus factis, dictis, in corporis denique motu et statu cernitur, idque positum est in tribus rebus, formositate, ordine, ornatu ad actionem apto, difficilibus ad eloquendum, sed satis erit intelligi, in his autem tribus continetur cura etiam illa, ut probemur iis, quibuscum apud quosque vivamus, his quoque de rebus pauca dicantur. Principio, corporis nostri magnam natura ipsa videtur habuisse rationem; quae formam nostram reliquamque figuram, in qua esset species honesta, eam posuit in promptu, quae partes autem corporis ad naturae necessitatem datae aspectum essent deformem habiturae atque turpem, eas contexit atque abdidit. Hanc naturae tam diligentem fabricam imitata est hominum verecundia. Quae enim natura occultavit, eadem omnes, qui sana mente sunt, removent ab oculis, ipsique necessitati dant operam ut quam occultissime pareant; quarumque partium corporis usus sunt necessarii, eas neque partes neque earum usus suis nominibus appellant; quodque facere turpe non est, modo occulte, id dicere obscenum est. Itaque nec actio rerum illarum aperta petulantia vacat, nec orationis obscenitas. Nec vero audiendi sunt Cynici, aut si qui fuerunt Stoici paene Cynici, qui reprehendunt et irrident, quod ea, quae turpia non sint, nominibus ac verbis flagitiosa dicamus, illa autem, quae turpia sint, nominibus appellemus suis. Latrocinari, fraudare, adulterare, re turpe est, sed dicitur non obscene; liberis dare operam, re honestum est, nomine obscenum: pluraque in eam sententiam ab eisdem contra verecundiam disputantur. Nos autem naturam sequamur, et ab omni, quod abhorret ab oculorum auriumque approbatione, fugiamus. Status incessus, sessio accubitio, voltus oculi, manuum motus teneant illud decorum. Quibus in rebus duo maxime sunt fugienda, ne quid effeminatum aut molle,

et ne quid durum aut rusticum sit. Nec vero histrionibus oratoribusque concedendum est, ut iis haec apta sint, nobis dissoluta. Scaenicorum quidem mos tantam habet vetere disciplina verecundiam, ut in scaenam sine subligaculo prodeat nemo; verentur enim, ne, si quo casu evenerit, ut corporis partes quaedam aperiantur, aspiciantur non decore. Nostro quidem more cum parentibus puberes filii, cum soceris generi non lavantur. Retinenda igitur est hujus generis verecundia, praesertim natura ipsa magistra et duce.

XXXVI. Quum autem pulchritudinis duo genera sint, quorum in altero venustas est, in altero dignitas; venustatem muliebrem ducere debemus, dignitatem virilem. Ergo et a forma removeatur omnis viro non dignus ornatus, et huic simile vitium in gestu motuque caveatur. Nam et palaestrici motus sunt saepe odiosiores, et histrionum nonnulli gestus ineptiis non vacant; et in utroque genere quae sunt recta et simplicia laudantur. Formae autem dignitas coloris bonitate tuenda est, color exercitationibus corporis. Adhibenda praeterea munditia est non odiosa neque exquisita nimis, tantum quae fugiat agrestem et inhumanam negligentiam. Eadem ratio est habenda vestitus, in quo, sicut in plerisque rebus, mediocritas optima est. Cavendum autem est, ne aut tarditatibus utamur in ingressu mollioribus, ut pomparum ferculis similes esse videamur, aut in festinationibus suscipiamus nimias celeritates; quae quum fiunt, anhelitus moventur, voltus mutantur, ora torquentur; ex quibus magna significatio fit non adesse constantiam. Sed multo etiam magis elaborandum est, ne animi motus a natura recedant: quod assequemur, si cavebimus, ne in perturbationes atque exanimationes incidamus, et si attentos animos ad decoris conservationem tenebimus. Motus autem animorum duplices sunt; alteri cogitationis, alteri appetitus. Cogitatio in vero exquirendo maxume versatur, appetitus impellit ad agendum. Curandum est igitur, ut cogita-

tione ad res quam optimas utamur, appetitum rationi obedientem praebeamus.

XXXVII. Et quoniam magna vis orationis est, eaque duplex, altera contentionis, altera sermonis; contentio disceptationibus tribuatur judiciorum, concionum, senatus; sermo in circulis, disputationibus, congressionibus familiarium versetur, sequatur etiam convivia. Contentionis praecepta rhetorum sunt, nulla sermonis: quamquam haud scio an possint haec quoque esse. Sed discentium studiis inveniuntur magistri; huic autem qui studeant, sunt nulli, rhetorum turba referta omnia. Quamquam, quae verborum sententiarumque praecepta sunt, eadem ad sermonem pertinebunt. Sed quum orationis indicem vocem habeamus, in voce autem duo sequamur, ut clara sit, ut suavis, utrumque omnino a natura petundum est, verum alterum exercitatio augebit, alterum imitatio presse loquentium et leniter. Nihil fuit in Catulis, ut eos exquisito judicio putares uti litterarum: quamquam erant litterati, sed et alii; ii autem optime uti lingua Latina putabantur. Sonus erat dulcis, litterae neque expressae neque oppressae, ne aut obscurum esset aut putidum, sine contentione vox nec languens nec canora. Uberior oratio L. Crassi, nec minus faceta; sed bene loquendi de Catulis opinio non minor. Sale vero et facetiis Caesar, Catuli patris frater, vicit omnes, ut in illo ipso forensi genere dicendi contentiones aliorum sermone vinceret. In omnibus igitur his elaborandum est, si in omni re quid deceat exquirimus. Sit ergo hic sermo, in quo Socratici maxime excellunt, lenis minimeque pertinax; insit in eo lepos. Nec vero, tamquam in possessionem suam venerit, excludat alios; sed quum reliquis in rebus tum in sermone communi, vicissitudinem non iniquam putet. Ac videat in primis, quibus de rebus loquatur: si seriis, severitatem adhibeat, si jocosis, leporem. In primisque provideat, ne sermo vitium aliquod indicet inesse in moribus; quod maxume tum solet evenire, quum studiose de absenti-

bus detrahendi causa aut per ridiculum aut severe, maledice contumelioseque dicitur. Habentur autem plerumque sermones aut de domesticis negotiis, aut de re publica, aut de artium studiis atque doctrina. Danda igitur opera est, ut, etiam si aberrare ad alia coeperit, ad haec revocetur oratio, sed utcumque aderunt; neque enim omnes iisdem de rebus, nec omni tempore, nec similiter delectamur. Animadvertendum est etiam, quatenus sermo delectationem habeat, et, ut incipiendi ratio fuerit, ita sit desinendi modus.

XXXVIII. Sed quomodo in omni vita rectissime praecipitur ut perturbationes fugiamus, id est, motus animi nimios rationi non obtemperantes, sic ejus modi motibus sermo debet vacare, ne aut ira exsistat aut cupiditas aliqua aut pigritia aut ignavia aut tale aliquid appareat; maximeque curandum est, ut eos, quibuscum sermonem conferemus, et vereri et diligere videamur. Objurgationes etiam nonnumquam incidunt necessariae, in quibus utendum est fortasse et vocis contentione majore et verborum gravitate acriore; id agendum etiam, ut ea facere videamur irati. Sed ut ad urendum et secandum, sic ad hoc genus castigandi raro invitique veniemus, nec umquam nisi necessario, si nulla reperietur alia medicina: sed tamen ira procul absit, cum qua nihil recte fieri, nihil considerate potest. Magnam autem partem clementi castigatione licet uti, gravitate tamen adjuncta, ut severitas adhibeatur, et contumelia repellatur. Atque etiam illud ipsum, quod acerbitatis habet objurgatio, significandum est, ipsius [id] causa, qui objurgetur, esse susceptum. Rectum est autem etiam in illis contentionibus, quae cum inimicissimis fiunt, etiam si nobis indigna audiamus, tamen gravitatem retinere, iracundiam pellere: quae enim cum aliqua perturbatione fiunt, ea nec constanter fieri possunt, neque iis, qui adsunt, probari. Deforme etiam est de se ipsum praedicare, falsa praesertim, et cum irrisione audientium imitari militem gloriosum.

XXXIX. Et quoniam omnia persequimur, volu-

mus quidem certe, dicendum est etiam, qualem hominis honorati et principis domum placeat esse; cujus finis est usus, ad quem accommodanda est aedificandi descriptio, et tamen adhibenda commoditatis dignitatisque diligentia. Cn. Octavio, qui primus ex illa familia consul factus est, honori fuisse accepimus, quod praeclaram aedificasset in Palatio et plenam dignitatis domum: quae quum volgo viseretur, suffragata domino, novo homini, ad consulatum putabatur. Hanc Scaurus demolitus accessionem adjunxit aedibus. Itaque ille in suam domum consulatum primus attulit: hic, summi et clarissimi viri filius, in domum multiplicatam non repulsam solum retulit, sed ignominiam etiam et calamitatem. Ornanda enim est dignitas domo, non ex domo tota quaerenda, nec domo dominus, sed domino domus honestanda est; et, ut in ceteris habenda ratio non sua solum, sed etiam aliorum, sic in domo clari hominis, in quam et hospites multi recipiendi et admittenda hominum cujusque modi multitudo, adhibenda cura est laxitatis. Aliter ampla domus dedecori saepe domino fit, si est in ea solitudo, et maxime, si aliquando alio domino solita est frequentari. Odiosum est enim, quum a praetereuntibus dicitur:

O domus antiqua, heu quam dispari
Dominare domino!

quod quidem his temporibus in multis licet dicere. Cavendum autem est, praesertim si ipse aedifices, ne extra modum sumptu et magnificentia prodeas: quo in genere multum mali etiam in exemplo est. Studiose enim plerique, praesertim in hanc partem, facta principum imitantur; ut L. Luculli, summi viri, virtutem quis? at quam multi villarum magnificentiam [imitati]! quarum quidem certe est adhibendus modus ad mediocritatem revocandus. Eademque mediocritas ad omnem usum cultumque vitae transferenda est. Sed haec hactenus.

In omni autem actione suscipienda tria sunt tenenda: primum, ut appetitus rationi pareat, quo nihil est ad officia conservanda accommodatius; deinde, ut animadvertatur, quanta illa res sit, quam efficere velimus, ut neve major neve minor cura et opera suscipiatur, quam causa postulet; tertium est, ut caveamus, ut ea, quae pertinent ad liberalem speciem et dignitatem, moderata sint. Modus autem est optimus, decus ipsum tenere, de quo ante diximus, nec progredi longius. Horum tamen trium praestantissimum est, appetitum obtemperare rationi.

XL. Deinceps de ordine rerum et de opportunitate temporum dicendum est. Haec autem scientia continentur ea, quam Graeci εὐταξίαν nominant, non hanc, quam interpretamur modestiam, quo in verbo modus inest; sed illa est εὐταξία, in qua intelligitur ordinis conservatio. Itaque, ut eandem nos modestiam appellemus, sic definitur a Stoicis, ut modestia sit scientia rerum earum, quae agentur aut dicentur, loco suo collocandarum. Ita videtur eadem vis ordinis et collocationis fore: nam et ordinem sic definiunt, compositionem rerum aptis et accommodatis locis. Locum autem actionis opportunitatem temporis esse dicunt; tempus autem actionis opportunum Graece εὐκαιρία, Latine appellatur occasio. Sic fit, ut modestia haec, quam ita interpretamur, ut dixi, scientia sit opportunitatis idoneorum ad agendum temporum. Sed potest eadem esse prudentiae definitio, de qua principio diximus: hoc autem loco de moderatione et temperantia et harum similibus virtutibus quaerimus. Itaque, quae erant prudentiae propria, suo loco dicta sunt: quae autem harum virtutum, de quibus jam diu loquimur, quae pertinent ad verecundiam, et ad eorum approbationem, quibuscum vivimus, nunc dicenda sunt. Talis est igitur ordo actionum adhibendus, ut, quemadmodum in oratione constanti, sic in vita omnia sint apta inter se et convenientia: turpe enim valdeque vitiosum, in re severa convivio digna aut delicatum aliquem inferre

sermonem. Bene Pericles, quum haberet collegam in praetura Sophoclem poetam iique de communi officio convenissent, et casu formosus puer praeteriret, dixissetque Sophocles, *O puerum pulchrum, Pericle! At enim praetorem, Sophocle, decet non solum manus, sed etiam oculos abstinentes habere.* Atque hoc idem Sophocles si in athletarum probatione dixisset, justa reprehensione caruisset: tanta vis est et loci et temporis. Ut, si qui, quum causam sit acturus, in itinere aut in ambulatione secum ipse meditetur, aut si quid aliud attentius cogitet, non reprehendatur; at hoc idem si in convivio faciat, inhumanus videatur inscitia temporis. Sed ea, quae multum ab humanitate discrepant, ut, si qui in foro cantet aut si qua est alia magna perversitas, facile apparent, nec magno opere admonitionem et praecepta desiderant: quae autem parva videntur esse delicta neque a multis intelligi possunt, ab iis est diligentius declinandum. Ut in fidibus aut tibiis, quamvis paulum discrepent, tamen id a sciente animadverti solet, sic videndum est in vita, ne forte quid discrepet; vel multo etiam magis, quo major et melior actionum quam sonorum concentus est.

XLI. Itaque, ut in fidibus musicorum aures vel minima sentiunt, sic nos, si acres ac diligentes esse volumus animadversores vitiorum, magna saepe intelligemus ex parvis. Ex oculorum obtutu, superciliorum aut remissione aut contractione, ex maestitia, ex hilaritate, ex risu, ex locutione, ex reticentia, ex contentione vocis, ex summissione, ex ceteris similibus facile judicabimus, quid eorum apte fiat, quid ab officio naturaque discrepet. Quo in genere non est incommodum, quale quidque eorum sit, ex aliis judicare, ut, si quid dedeceat illos, vitemus ipsi. Fit enim nescio quo modo, ut magis in aliis cernamus, quam in nobismet ipsis, si quid delinquitur. Itaque facillume corriguntur in discendo, quorum vitia imitantur emendandi causa magistri. Nec vero alienum est ad ea eligenda, quae dubitationem afferunt, adhi-

bere doctos homines, vel etiam usu peritos, et, quid iis de quoque officii genere placeat, exquirere. Major enim pars eo fere deferri solet, quo a natura ipsa deducitur. In quibus videndum est, non modo quid quisque loquatur, sed etiam quid quisque sentiat, atque etiam de qua causa quisque sentiat. Ut enim pictores, et ii, qui signa fabricantur, et vero etiam poetae, suum quisque opus a volgo considerari volt, ut, si quid reprehensum sit a pluribus, id corrigatur, iique et secum et ab aliis, quid in eo peccatum sit, exquirunt, sic aliorum judicio permulta nobis et facienda, et non facienda, et mutanda, et corrigenda sunt. Quae vero more agentur institutisque civilibus, de iis nihil est praecipiendum: illa enim ipsa praecepta sunt, nec quemquam hoc errore duci oportet, ut, si quid Socrates aut Aristippus contra morem consuetudinemque civilem fecerint locutive sint, idem sibi arbitretur licere: magnis illi et divinis bonis hanc licentiam assequebantur. Cynicorum vero ratio tota est ejicienda; est enim inimica verecundiae, sine qua nihil rectum esse potest, nihil honestum. Eos autem, quorum vita perspecta in rebus honestis atque magnis est, bene de re publica sentientes ac bene meritos aut merentes sic, ut aliquo honore aut imperio affectos, observare et colere debemus; tribuere etiam multum senectuti, cedere iis, qui magistratum habebunt, habere delectum civis et peregrini, in ipsoque peregrino privatimne an publice venerit. Ad summam, ne agam de singulis, communem totius generis hominum conciliationem et consociationem colere, tueri, servare debemus.

XLII. Jam de artificiis et quaestibus, qui liberales habendi, qui sordidi sint, haec fere accepimus. Primum improbantur ii quaestus, qui in odia hominum incurrunt, ut portitorum, ut faeneratorum. Illiberales autem et sordidi quaestus mercenariorum omnium, quorum operae, non quorum artes emuntur; est enim in illis ipsa merces auctoramentum servitutis. Sordidi etiam putandi, qui mercantur a merca-

toribus, quod statim vendant; nihil enim proficiant, nisi admodum mentiantur, nec vero est quicquam turpius vanitate. Opificesque omnes in sordida arte versantur; nec enim quicquam ingenuum habere potest officina. Minimeque artes eae probandae, quae ministrae sunt voluptatum:

Cetarii, lanii, coqui, fartores, piscatores,

ut ait Terentius. Adde huc, si placet, unguentarios, saltatores, totumque ludum talarium. Quibus autem *in* artibus aut prudentia major inest, aut non mediocris utilitas quaeritur, ut medicina, ut architectura, ut doctrina rerum honestarum, eae sunt iis, quorum ordini conveniunt, honestae. Mercatura autem, si tenuis est, sordida putanda est: sin magna et copiosa, multa undique apportans multisque sine vanitate impertiens, non est admodum vituperanda; atque etiam, si satiata quaestu, vel contenta potius, ut saepe ex alto in portum, ex ipso portu se in agros possessionesque contulit, videtur jure optimo posse laudari. Omnium autem rerum, ex quibus aliquid acquiritur, nihil est agri cultura melius, nihil uberius, nihil dulcius, nihil homine libero dignius. De qua, quoniam in Catone majore satis multa diximus, illim assumes, quae ad hunc locum pertinebunt.

XLIII. Sed ab iis partibus, quae sunt honestatis, quemadmodum officia ducerentur, satis expositum videtur. Eorum autem ipsorum, quae honesta sunt, potest incidere saepe contentio et comparatio, de duobus honestis utrum honestius; qui locus a Panaetio est praetermissus. Nam quum omnis honestas manet a partibus quattuor, quarum una sit cognitionis, altera communitatis, tertia magnanimitatis, quarta moderationis, haec in deligendo officio saepe inter se comparentur necesse est. Placet igitur, aptiora esse naturae ea officia, quae ex communitate, quam ea, quae ex cognitione ducantur; idque hoc argumento confirmari potest, quod, si contigerit ea vita sapienti, ut omnium

rerum affluentibus copiis, omnia, quae cognitione digna sint, summo otio secum ipse consideret et contempletur, tamen, si solitudo tanta sit, ut hominem videre non possit, excedat e vita. Princepsque omnium virtutum illa sapientia, quam σοφίαν Graeci vocant — prudentiam enim, quam Graeci φρόνησιν, aliam quandam intelligimus, quae est rerum expetendarum fugiendarumque scientia: illa autem sapientia, quam principem dixi, rerum est divinarum et humanarum scientia, in qua continetur [deorum et] hominum communitas, et societas inter ipsos — ea si maxima est, ut est, certe necesse est, quod a communitate ducatur officium, id esse maximum. Etenim cognitio contemplatioque rerum naturae manca quodam modo atque inchoata sit, si nulla actio consequatur. Ea autem actio in hominum commodis tuendis maxime cernitur; pertinet igitur ad societatem generis humani: ergo haec cognitioni anteponenda est. Atque id optimus quisque re ipsa ostendit et judicat. Quis enim est tam cupidus in perspicienda cognoscendaque rerum natura, ut, si ei tractanti contemplantique res cognitione dignissimas subito sit allatum periculum discrimenque patriae, cui subvenire opitularique possit, non illa omnia relinquat atque abjiciat, etiam si dinumerare se stellas aut metiri mundi magnitudinem posse arbitretur? Atque hoc idem in parentis, in amici re aut periculo fecerit. Quibus rebus intelligitur, studiis officiisque scientiae praeponenda esse officia justitiae, quae pertinent ad hominum utilitatem, qua nihil homini esse debet antiquius.

XLIV. Atque illi, quorum studia vitaque omnis in rerum cognitione versata est, tamen ab augendis hominum utilitatibus et commodis non recesserunt. Nam et erudiverunt multos, quo meliores cives utilioresque rebus suis publicis essent, ut Thebanum Epaminondam Lysis Pythagoreus, Syracosium Dionem Plato multique multos; nosque ipsi, quicquid ad rem publicam attulimus, si modo aliquid attulimus, a doctori-

bus atque doctrina instructi ad eam et ornati accessimus. Neque solum vivi atque praesentes studiosos dicendi erudiunt atque docent, sed hoc idem etiam post mortem monumentis litterarum assequuntur: nec enim locus ullus est praetermissus ab iis, qui ad leges, qui ad mores, qui ad disciplinam rei publicae pertineret; ut otium suum ad nostrum negotium contulisse videantur. Ita illi ipsi doctrinae studiis et sapientiae dediti, ad hominum utilitatem suam prudentiam intelligentiamque potissimum conferunt. Ob eamque etiam causam eloqui copiose, modo prudenter, melius est, quam vel acutissime sine eloquentia cogitare, quod cogitatio in se ipsa vertitur, eloquentia complectitur eos, quibuscum communitate juncti sumus. Atque ut apium examina non fingendorum favorum causa congregantur, sed, quum congregabilia natura sint, fingunt favos, sic homines, ac multo etiam magis, natura congregati, adhibent agendi cogitandique sollertiam. Itaque nisi ea virtus, quae constat ex hominibus tuendis, id est ex societate generis humani, attingat cognitionem rerum, solivaga cognitio et jejuna videatur; itemque magnitudo animi, remota communitate conjunctioneque humana, feritas sit quaedam et immanitas. Ita fit, ut vincat cognitionis studium consociatio hominum atque communitas. Nec verum est, quod dicitur a quibusdam, propter necessitatem vitae, quod ea, quae natura desideraret, consequi sine aliis atque efficere non possemus, idcirco initam esse cum hominibus communitatem et societatem; quod, si omnia nobis, quae ad victum cultumque pertinent, quasi virgula divina, ut aiunt, suppeditarentur, tum optimo quisque ingenio, negotiis omnibus omissis, totum se in cognitione et scientia collocaret. Non est ita. Nam et solitudinem fugeret et socium studii quaereret; tum docere, tum discere vellet, tum audire, tum dicere. Ergo omne officium, quod ad conjunctionem hominum et ad societatem tuendam valet, anteponendum est illi officio, quod cognitione et scientia continetur.

XLV. Illud forsitan quaerendum sit, num haec communitas, quae maxime est apta naturae, sit etiam moderationi modestiaeque semper anteponenda. Non placet; sunt enim quaedam partim ita foeda, partim ita flagitiosa, ut ea ne conservandae quidem patriae causa sapiens facturus sit. Ea Posidonius collegit permulta, sed ita taetra quaedam, ita obscena, ut dictu quoque videantur turpia. Haec igitur non suscipiet rei publicae causa; ne res publica quidem pro se suscipi volet. Sed hoc commodius se res habet, quod non potest accidere tempus, ut intersit rei publicae, quicquam illorum facere sapientem. Quare hoc quidem effectum sit, in officiis deligendis id genus officiorum excellere, quod teneatur hominum societate. Etenim cognitionem prudentiamque sequitur considerata actio. Ita fit, ut agere considerate pluris sit, quam cogitare prudenter. Atque haec quidem hactenus. Patefactus enim locus est ipse, ut non difficile sit in exquirendo officio, quid cuique sit praeponendum, videre. In ipsa autem communitate sunt gradus officiorum, ex quibus, quid cuique praestet, intelligi possit; ut prima dis immortalibus, secunda patriae, tertia parentibus, deinceps gradatim reliquis debeantur. Quibus ex rebus breviter disputatis intelligi potest, non solum id homines solere dubitare, honestumne an turpe sit, sed etiam, duobus propositis honestis, utrum honestius sit. Hic locus a Panaetio est, ut supra dixi, praetermissus. Sed jam ad reliqua pergamus.

M. TULLII CICERONIS

DE OFFICIIS

AD MARCUM FILIUM.

LIBER SECUNDUS.

I. Quemadmodum officia ducerentur ab honestate, Marce fili, atque ab omni genere virtutis, satis explicatum arbitror libro superiore. Sequitur, ut haec officiorum genera persequar, quae pertinent ad vitae cultum et ad earum rerum, quibus utuntur homines, facultatem, ad opes, ad copias. [In quo tum quaeri dixi, quid utile, quid inutile, tum ex utilibus quid utilius aut quid maxime utile.] De quibus dicere aggrediar, si pauca prius de instituto ac de judicio meo dixero.

Quamquam enim libri nostri complures non modo ad legendi, sed etiam ad scribendi studium excitaverunt, tamen interdum vereor, ne quibusdam bonis viris philosophiae nomen sit invisum mirenturque, in ea tantum me operae et temporis ponere. Ego autem quam diu res publica per eos gerebatur, quibus se ipsa commiserat, omnes meas curas cogitationesque in eam conferebam. Quum autem dominatu unius omnia tenerentur, neque esset usquam consilio aut auctoritati locus, socios denique tuendae rei publicae, summos viros, amisissem, nec me angoribus dedidi, quibus essem confectus, nisi iis restitissem, nec rursum

indignis homine docto voluptatibus. Atque utinam res publica stetisset, quo coeperat statu, nec in homines non tam commutandarum quam evertendarum rerum cupidos incidisset! Primum enim, ut stante re publica facere solebamus, in agendo plus quam in scribendo operae poneremus; deinde ipsis scriptis non ea, quae nunc, sed actiones nostras mandaremus, ut saepe fecimus. Quum autem res publica, in qua omnis mea cura, cogitatio, opera poni solebat, nulla esset omnino, illae scilicet litterae conticuerunt forenses et senatoriae. Nihil agere autem quum animus non posset, in his studiis ab initio versatus aetatis existimavi, honestissime molestias posse deponi, si me ad philosophiam retulissem. Cui quum multum adolescens discendi causa temporis tribuissem, posteaquam honoribus inservire coepi meque totum rei publicae tradidi, tantum erat philosophiae loci, quantum superfuerat amicorum et rei publicae temporibus. Id autem omne consumebatur in legendo; scribendi otium non erat.

II. Maximis igitur in malis hoc tamen boni assecuti videmur, ut ea litteris mandaremus, quae nec erant satis nota nostris et erant cognitione dignissima. Quid enim est, per deos, optabilius sapientia, quid praestantius, quid homini melius, quid homine dignius? Hanc igitur qui expetunt, philosophi nominantur; nec quicquam aliud est philosophia, si interpretari velis, praeter studium sapientiae. Sapientia autem est, ut a veteribus philosophis definitum est, rerum divinarum et humanarum causarumque, quibus eae res continentur, scientia; cujus studium qui vituperat, haud sane intelligo, quidnam sit, quod laudandum putet. Nam sive oblectatio quaeritur animi requiesque curarum, quae conferri cum eorum studiis potest, qui semper aliquid anquirunt, quod spectet et valeat ad bene beateque vivendum? sive ratio constantiae virtutisque ducitur, aut haec ars est, aut nulla omnino, per quam eas assequamur. Nullam dicere maxumarum rerum artem esse, quum minima-

rum sine arte nulla sit, hominum est parum considerate loquentium atque in maxumis rebus errantium. Si autem est aliqua disciplina virtutis, ubi ea quaeretur, quum ab hoc discendi genere discesseris? Sed haec, quum ad philosophiam cohortamur, accuratius disputari solent; quod alio quodam libro fecimus. Hoc autem tempore tantum nobis declarandum fuit, cur orbati rei publicae muneribus ad hoc nos studium potissimum contulissemus. Occurritur autem nobis, et quidem a doctis et eruditis quaerentibus, satisne constanter facere videamur, qui, quum percipi nihil posse dicamus, tamen et aliis de rebus disserere soleamus, et hoc ipso tempore praecepta officii persequamur. Quibus vellem satis cognita esset nostra sententia. Non enim sumus ii, quorum vagetur animus errore nec habeat umquam, quid sequatur. Quae enim esset ista mens vel quae vita potius, non modo disputandi, sed etiam vivendi ratione sublata? Nos autem, ut ceteri alia certa, alia incerta esse dicunt, sic ab his dissentientes, alia probabilia, contra alia dicimus. Quid est igitur, quod me impediat ea, quae probabilia mihi videantur, sequi, quae contra, improbare; atque affirmandi arrogantiam vitantem, fugere temeritatem, quae a sapientia dissidet plurimum? Contra autem omnia disputatur a nostris, quod hoc ipsum probabile elucere non posset, nisi ex utraque parte causarum esset facta contentio. Sed haec explanata sunt in Academicis nostris satis, ut arbitror, diligenter. Tibi autem, mi Cicero, quamquam in antiquissima nobilissimaque philosophia, Cratippo auctore, versaris, iis simillimo, qui ista praeclara pepererunt, tamen haec nostra, finitima vestris, ignota esse nolui. Sed jam ad instituta pergamus.

III. Quinque igitur rationibus propositis officii persequendi, quarum duae ad decus honestatemque pertinerent, duae ad commoda vitae, copias, opes, facultates, quinta ad eligendi judicium, si quando ea, quae dixi, pugnare inter se viderentur; honestatis pars confecta est, quam quidem tibi cupio esse notissi-

mam. Hoc autem, de quo nunc agimus, id ipsum est, quod utile appellatur. In quo [verbo] lapsa consuetudo deflexit de via sensimque eo deducta est, ut honestatem ab utilitate secernens constitueret, esse honestum aliquid, quod utile non esset, et utile, quod non honestum; qua nulla pernicies major hominum vitae potuit afferri. Summa quidem auctoritate philosophi, severe sane atque honeste, haec tria genera confusa, cogitatione distinguunt. [Quicquid enim justum sit, id etiam utile esse censent, itemque quod honestum, idem justum: ex quo efficitur, ut, quicquid honestum sit, idem sit utile.] Quod qui parum perspiciunt, ii saepe, versutos homines et callidos admirantes, malitiam sapientiam judicant. Quorum error eripiendus est, opinioque omnis ad eam spem traducenda, ut honestis consiliis justisque factis, non fraude et malitia, se intelligant ea, quae velint, consequi posse. Quae ergo ad vitam hominum tuendam pertinent, partim sunt inanima, ut aurum, argentum, ut ea, quae gignuntur e terra, ut alia generis ejusdem, partim animalia, quae habent suos impetus et rerum appetitus. Eorum autem alia rationis expertia sunt, alia ratione utentia. Expertes rationis, equi, boves, reliquae pecudes, [apes,] quarum opere efficitur aliquid ad usum hominum atque vitam. Ratione autem utentium duo genera ponunt, deorum unum, alterum hominum. Deos placatos pietas efficiet et sanctitas; proxime autem et secundum deos homines hominibus maxume utiles esse possunt. Earumque item rerum, quae noceant et obsint, eadem divisio est. Sed quia deos nocere non putant, iis exceptis, homines hominibus obesse plurimum arbitrantur. Ea enim ipsa, quae inanima diximus, pleraque sunt hominum operis effecta, quae nec haberemus, nisi manus et ars accessisset, nec hiis sine hominum administratione uteremur. Neque enim valetudinis curatio, neque navigatio, neque agri cultura, neque frugum fructuumque reliquorum perceptio et conservatio sine hominum opera ulla esse

potuisset. Jam vero et earum rerum, quibus abundaremus, exportatio et earum, quibus egeremus, invectio certe nulla esset, nisi his muneribus homines fungerentur. Eademque ratione nec lapides ex terra exciderentur ad usum nostrum necessarii, nec *ferrum, aes, aurum, argentum* effoderetur *penitus abditum*, sine hominum labore et manu.

IV. Tecta vero, quibus et frigorum vis pelleretur et calorum molestiae sedarentur, unde aut initio generi humano dari potuissent aut postea subveniri, si aut vi tempestatis aut terrae motu aut vetustate cecidissent, nisi communis vita ab hominibus harum rerum auxilia petere didicisset? Adde ductus aquarum, derivationes fluminum, agrorum irrigationes, moles oppositas fluctibus, portus manu factos: quae unde sine hominum opera habere possemus? Ex quibus multisque aliis perspicuum est, qui fructus quaeque utilitates ex rebus iis, quae sunt inanimae, percipiantur, eas nos nullo modo sine hominum manu atque opera capere potuisse. Qui denique ex bestiis fructus aut quae commoditas, nisi homines adjuvarent, percipi posset? Nam et qui principes inveniendi fuerunt, quem ex quaque belua usum habere possemus, homines certe fuerunt; nec hoc tempore sine hominum opera aut pascere eas, aut domare, aut tueri, aut tempestivos fructus ex iis capere possemus; ab eisdemque et quae nocent, interficiuntur, et quae usui possunt esse, capiuntur. Quid enumerem artium multitudinem, sine quibus vita omnino nulla esse potuisset? Qui enim aegris subveniretur, quae esset oblectatio valentium, qui victus aut cultus, nisi tam multae nobis artes ministrarent, quibus rebus exculta hominum vita tantum destitit a victu et cultu bestiarum? Urbes vero sine hominum coetu non potuissent nec aedificari nec frequentari; ex quo leges moresque constituti, tum juris aequa discriptio certaque vivendi disciplina. Quas res et mansuetudo animorum consecuta et verecundia est; effectumque, ut esset vita munitior, atque ut dando et accipiendo

mutandisque facultatibus et commodis nulla re egeremus.

V. Longiores hoc loco sumus, quam necesse est. Quis est enim, cui non perspicua sint illa, quae pluribus verbis a Panaetio commemorantur, neminem neque ducem belli nec principem domi magnas res et salutares sine hominum studiis gerere potuisse? Commemoratur ab eo Themistocles, Periclēs, Cyrus, Agesilaus, Alexander, quos negat sine adjumentis hominum tantas res efficere potuisse. Utitur in re non dubia testibus non necessariis. Atque ut magnas utilitates adipiscimur conspiratione hominum atque consensu, sic nulla tam detestabilis pestis est, quae non homini ab homine nascatur. Est Dicaearchi liber de interitu hominum, Peripatetici magni et copiosi; qui collectis ceteris causis, eluvionis, pestilentiae, vastitatis, beluarum etiam repentinae multitudinis, quarum impetu docet quaedam hominum genera esse consumpta, deinde comparat, quanto plures deleti sint homines hominum impetu, id est, bellis aut seditionibus, quam omni reliqua calamitate. Quum igitur hic locus nihil habeat dubitationis, quin homines plurimum hominibus et prosint et obsint, proprium hoc statuo esse virtutis, conciliare animos hominum et ad usus suos adjungere. Itaque, quae in rebus inanimis, quaeque in tractatione beluarum fiunt utiliter ad hominum vitam, artibus ea tribuuntur operosis; hominum autem studia ad amplificationem nostrarum rerum prompta ac parata, virorum praestantium sapientia et virtute excitantur. Etenim virtus omnis tribus in rebus fere vertitur: quarum una est in perspiciendo, quid in quaque re verum sincerumque sit, quid consentaneum cuique, quid consequens, ex quo quaeque gignantur, quae cujusque rei causa sit; alterum, cohibere motus animi turbatos, quos Graeci πάθη nominant, appetitionesque, quas illi ὁρμάς, obedientes efficere rationi; tertium, iis, quibuscum congregemur, uti moderate et scienter, quorum studiis ea, quae natura desiderat, expleta

cumulataque habemus, per eosdemque, si quid importetur nobis incommodi, propulsemus, ulciscamurque eos, qui nocere nobis conati sint, tantaque poena afficiamus, quantam aequitas humanitasque patitur.

VI. Quibus autem rationibus hanc facultatem assequi possimus, ut hominum studia complectamur eaque teneamus, dicemus, neque ita multo post; sed pauca ante dicenda sunt. Magnam vim esse in fortuna in utramque partem, vel secundas ad res vel adversas, quis ignorat? Nam et quum prospero flatu ejus utimur, ad exitus pervehimur optatos, et quum reflavit, affligimur. Haec igitur ipsa fortuna ceteros casus rariores habet, primum ab inanimis procellas, tempestates, naufragia, ruinas, incendia; deinde a bestiis ictus, morsus, impetus. Haec ergo, ut dixi, rariora. At vero interitus exercituum, ut proxime trium, saepe multorum, clades imperatorum, ut nuper summi et singularis viri, invidiae praeterea multitudinis, atque ob eas bene meritorum saepe civium expulsiones, calamitates, fugae, rursusque secundae res, honores, imperia, victoriae, quamquam fortuita sunt, tamen sine hominum opibus et studiis neutram in partem effici possunt. Hoc igitur cognito, dicendum est, quonam modo hominum studia ad utilitates nostras allicere atque excitare possimus. Quae si longior fuerit oratio, cum magnitudine utilitatis comparetur: ita fortasse etiam brevior videbitur.

Quaecumque igitur homines homini tribuunt ad eum augendum atque honestandum, aut benevolentiae gratia faciunt, quum aliqua de causa quempiam diligunt; aut honoris, si cujus virtutem suspiciunt, quemque dignum fortuna quam amplissima putant; aut cui fidem habent, et bene rebus suis consulere arbitrantur; aut cujus opes metuunt; aut contra, a quibus aliquid exspectant, ut quum reges popularesve homines largitiones aliquas proponunt; aut postremo pretio ac mercede ducuntur, quae sordidissima est illa quidem ratio et inquinatissima, et iis, qui ea tenentur, et illis, qui ad eam confugere conantur. Male enim

-ae res habet, quum, quod virtute effici debet, id temptatur pecunia. Sed quoniam nonnumquam hoc subsidium necessarium est, quemadmodum sit utendum eo dicemus, si prius iis de rebus, quae virtuti propiores sunt, dixerimus. Atque etiam subjiciunt se homines imperio alterius et potestati de causis pluribus. Ducuntur enim aut benevolentia et beneficiorum magnitudine, aut dignitatis praestantia, aut spe sibi id utile futurum, aut metu ne vi parere cogantur, aut spe largitionis promissisque capti, aut postremo, ut saepe in nostra re publica videmus, mercede conducti.

VII. Omnium autem rerum nec aptius est quicquam ad opes tuendas ac tenendas, quam diligi, nec alienius, quam timeri. Praeclare enim Ennius:

Quem metuunt, oderunt: quem quisque odit, periisse expetit.

Multorum autem odiis nullas opes posse obsistere, si antea fuit ignotum, nuper est cognitum. Nec vero hujus tyranni solum, quem armis oppressa pertulit civitas paretque quum maxime mortuo, interitus declarat, quantum odium hominum valeat ad pestem, sed reliquorum similes exitus tyrannorum, quorum haud fere quisquam talem interitum effugit. Malus enim est custos diuturnitatis metus, contraque benevolentia fidelis vel ad perpetuitatem. Sed iis, qui vi oppressos imperio coercent, sit sane adhibenda saevitia, ut heris in famulos, si aliter teneri non possunt. Qui vero in libera civitate ita se instruunt, ut metuantur, iis nihil potest esse dementius. Quamvis enim sint demersae leges alicujus opibus, quamvis timefacta libertas, emergunt tamen haec aliquando aut judiciis tacitis, aut occultis de honore suffragiis. Acriores autem morsus sunt intermissae libertatis, quam retentae. Quod igitur latissime patet, neque ad incolumitatem solum, sed etiam ad opes et potentiam valet plurimum, id amplectamur, ut metus absit, caritas retineatur: ita facillime, quae volemus, et privatis in rebus, et in re publica consequemur.

Etenim, qui se metui volent, a quibus metuentur, eosdem metuant ipsi necesse est. Quid enim censemus superiorem illum Dionysium, quo cruciatu timoris angi solitum, qui cultros metuens tonsorios, candente carbone sibi adurebat capillum? quid Alexandrum Pheraeum, quo animo vixisse arbitramur? qui, ut scriptum legimus, quum uxorem Theben admodum diligeret, tamen ad eam ex epulis in cubiculum veniens, barbarum, et eum quidem, ut scriptum est, compunctum notis Thraeciis, destricto gladio jubebat anteire, praemittebatque de stipatoribus suis, qui scrutarentur arculas muliebres, et, ne quod in vestimentis telum occultaretur, exquirerent. O miserum, qui fideliorem et barbarum et stigmatiam putaret, quam conjugem! Nec eum fefellit; ab ea est enim ipsa propter pellicatus suspicionem interfectus. Nec vero ulla vis imperii tanta est, quae, premente metu, possit esse diuturna. Testis est Phalaris, cujus est praeter ceteros nobilitata crudelitas; qui non ex insidiis interiit, ut is, quem modo dixi, Alexander, non a paucis, ut hic noster, sed in quem universa Agrigentinorum multitudo impetum fecit. Quid? Macedones nonne Demetrium reliquerunt universique se ad Pyrrhum contulerunt? Quid? Lacedaemonios injuste imperantes nonne repente omnes fere socii deseruerunt spectatoresque se otiosos praebuerunt Leuctricae calamitatis?

VIII. Externa libentius in tali re, quam domestica, recordor. Verum tamen, quamdiu imperium populi Romani beneficiis tenebatur, non injuriis, bella aut pro sociis aut de imperio gerebantur; exitus erant bellorum aut mites aut necessarii; regum, populorum, nationum portus erat et refugium senatus; nostri autem magistratus imperatoresque ex hac una re maximam laudem capere studebant, si provincias, si socios aequitate et fide defendissent. Itaque illud patrocinium orbis terrae verius, quam imperium poterat nominari. Sensim hanc consuetudinem et disciplinam jam antea minuebamus, post vero Sullae

victoriam penitus amisimus; desitum est enim videri quicquam in socios iniquum, quum exstitisset in cives tanta crudelitas. Ergo in illo secuta est honestam causam non honesta victoria. Est enim ausus dicere, hasta posita, quum bona in foro venderet et bonorum virorum, et locupletium, et certe civium, praedam se suam vendere. Secutus est, qui in causa impia, victoria etiam foediore, non singulorum civium bona publicaret, sed universas provincias regionesque uno calamitatis jure comprehenderet. Itaque, vexatis ac perditis exteris nationibus, ad exemplum amissi imperii portari in triumpho Massiliam vidimus et ex ea urbe triumphari, sine qua numquam nostri imperatores ex Transalpinis bellis triumpharunt. Multa praeterea commemorarem nefaria in socios, si hoc uno quicquam sol vidisset indignius. Jure igitur plectimur. Nisi enim multorum impunita scelera tulissemus, numquam ad unum tanta pervenisset licentia: a quo quidem rei familiaris ad paucos, cupiditatum ad multos improbos venit hereditas. Nec vero umquam bellorum civilium semen et causa deerit, dum homines perditi hastam illam cruentam et meminerint et sperabunt; quam P. Sulla quum vibrasset, dictatore propinquo suo, idem sexto tricesimo anno post a sceleratiore hasta non recessit, alter autem, qui in illa dictatura scriba fuerat, in hac fuit quaestor urbanus. Ex quo debet intelligi, talibus praemiis propositis, numquam defutura bella civilia. Itaque parietes modo urbis stant et manent, iique ipsi jam extrema scelera metuentes, rem vero publicam penitus amisimus. Atque in has clades incidimus — redeundum est enim ad propositum, — dum metui quam cari esse et diligi maluimus. Quae si populo Romano injuste imperanti accidere potuerunt, quid debent putare singuli? Quod quum perspicuum sit, benevolentiae vim esse magnam metus imbecillam, sequitur ut disseramus, quibus rebus facillime possimus eam, quam volumus, adipisci cum honore et fide caritatem. Sed ea non pariter omnes egemus; nam

ad cujusque vitam institutam accommodandum est, a multisne opus sit an satis sit a paucis diligi. Certum igitur hoc sit, idque et primum et maxume necessarium, familiaritates habere fidas amantium nos amicorum et nostra mirantium: haec enim una res prorsus, ut non multum differat inter summos et mediocres viros, aeque utrisque est propemodum comparanda. Honore et gloria et benevolentia civium fortasse non aeque omnes egent, sed tamen, si cui haec suppetunt, adjuvant aliquantum quum ad cetera, tum ad amicitias comparandas.

IX. Sed de amicitia alio libro dictum est [qui inscribitur Laelius]: nunc dicamus de gloria, quamquam ea quoque de re duo sunt nostri libri; sed attingamus, quando quidem ea in rebus majoribus administrandis adjuvat plurimum. Summa igitur et perfecta gloria constat ex tribus his: si diligit multitudo, si fidem habet, si cum admiratione quadam honore dignos putat. Haec autem, si est simpliciter breviterque dicendum, quibus rebus pariuntur a singulis, eisdem fere a multitudine. Sed est alius quoque quidam aditus ad multitudinem, ut in universorum animos tamquam influere possimus. Ac primum de illis tribus, quae ante dixi, benevolentiae praecepta videamus: quae quidem capitur beneficiis maxime; secundo autem loco [voluntate benefica benevolentia movetur], etiamsi res forte non suppetit, vehementer amor multitudinis commovetur ipsa fama et opinione liberalitatis, beneficentiae, justitiae, fidei, omniumque earum virtutum, quae pertinent ad mansuetudinem morum ac facilitatem. Etenim illud ipsum, quod honestum decorumque dicimus, quia per se nobis placet animosque omnium natura et specie sua commovet, maximeque quasi perlucet ex iis, quas commemoravi, virtutibus, idcirco illos, in quibus eas virtutes esse remur, a natura ipsa diligere cogimur. Atque hae quidem causae diligendi gravissimae; possunt enim praeterea nonnullae esse leviores. Fides autem ut habeatur, duabus rebus effici potest: si

existimabimur adepti conjunctam cum justitia prudentiam. Nam et iis fidem habemus, quos plus intelligere quam nos arbitramur, quosque et futura prospicere credimus et, quum res agatur in discrimenque ventum sit, expedire rem et consilium ex tempore capere posse: hanc enim utilem homines existimant veramque prudentiam. Justis autem [et fidis] hominibus, id est bonis viris, ita fides habetur, ut nulla sit in iis fraudis injuriaeque suspicio. Itaque his salutem nostram, his fortunas, his liberos, rectissime committi arbitramur. Harum igitur duarum ad fidem faciendam justitia plus pollet, quippe quum ea sine prudentia satis habeat auctoritatis; prudentia sine justitia nihil valet ad faciendam fidem. Quo enim quis versutior et callidior, hoc invisior et suspectior, detracta opinione probitatis. Quam ob rem intelligentiae justitia conjuncta, quantum volet, habebit ad faciendam fidem virium: [justitia sine prudentia multum poterit,] sine justitia nihil valebit prudentia.

X. Sed ne quis sit admiratus cur, quum inter omnes philosophos constet a meque ipso saepe disputatum sit, qui unam haberet, omnes habere virtutes, nunc ita sejungam, quasi possit quisquam, qui non idem prudens sit, justus esse; alia est illa, quum veritas ipsa limatur in disputatione, subtilitas, alia, quum ad opinionem communem omnis accommodatur oratio. Quam ob rem, ut volgus, ita nos hoc loco loquimur, ut alios fortes, alios viros bonos, alios prudentes esse dicamus. Popularibus enim verbis est agendum et usitatis, quum loquimur de opinione populari, idque eodem modo fecit Panaetius. Sed ad propositum revertamur. Erat igitur ex iis tribus, quae ad gloriam pertinerent, hoc tertium, ut cum admiratione hominum honore ab iis digni judicaremur. Admirantur igitur communiter illi quidem omnia, quae magna et praeter opinionem suam animadverterunt, separatim autem in singulis, si perspiciunt nec opinata quaedam bona.

Itaque eos viros suspiciunt maxumisque efferunt laudibus, in quibus existumant se excellentes quasdam et singulares perspicere virtutes, despiciunt autem eos et contemnunt, in quibus nihil virtutis, nihil animi, nihil nervorum putant. Non enim omnes eos contemnunt, de quibus male existumant. Nam quos improbos, maledicos, fraudulentos putant et ad faciendam injuriam instructos, eos contemnunt quidem neutiquam, sed de iis male existumant. Quam ob rem, ut ante dixi, contemnuntur ii, qui *nec sibi, nec alteri*, ut dicitur, in quibus nullus labor, nulla industria, nulla cura est. Admiratione autem afficiunt ii, qui anteire ceteris virtute putantur, et quum omni carere dedecore, tum vero iis vitiis, quibus alii non facile possunt obsistere. Nam et voluptates, blandissimae dominae, majoris partis animos a virtute detorquent et, dolorum quum admoventur faces, praeter modum plerique exterrentur: vita, mors, divitiae, paupertas, omnes homines vehementissime permovent. Quae qui in utramque partem excelso animo magnoque despiciunt, quumque aliqua iis ampla et honesta res objecta, totos ad se convertit et rapit, tum quis non admiretur splendorem pulchritudinemque virtutis?

XI. Ergo et haec animi despicientia admirabilitatem magnam facit, et maxume justitia, ex qua una virtute viri boni appellantur, mirifica quaedam multitudini videtur; nec injuria. Nemo enim justus esse potest, qui mortem, qui dolorem, qui exsilium, qui egestatem timet, aut qui ea, quae sunt his contraria, aequitati anteponit. Maximeque admirantur eum, qui pecunia non movetur: quod in quo viro perspectum est, hunc igni spectatum arbitrantur. Itaque illa tria, quae proposita sunt ad gloriam, omnia justitia conficit; et benevolentiam, quod prodesse volt plurimis, et ob eandem causam fidem, et admirationem, quod eas res spernit et negligit, ad quas plerique inflammati aviditate rapiuntur.

Ac mea quidem sententia omnis ratio atque institutio vitae adjumenta hominum desiderat, in pri-

misque, ut habeat, quibuscum possit familiares conferre sermones: quod est difficile, nisi speciem prae te boni viri feras. Ergo etiam solitario homini atque in agro vitam agenti opinio justitiae necessaria est; eoque etiam magis, quod eam si non habebunt, [injusti habebuntur] nullis praesidiis saepti multis afficientur injuriis. Atque iis etiam, qui vendunt, emunt, conducunt, locant, contrahendisque negotiis implicantur, justitia ad rem gerendam necessaria est; cujus tanta vis est, ut ne illi quidem, qui maleficio et scelere pascuntur, possint sine ulla particula justitiae vivere. Nam qui eorum cuipiam, qui una latrocinantur, furatur aliquid aut eripit, is sibi ne in latrocinio quidem relinquit locum; ille autem, qui archipirata dicitur, nisi aequabiliter praedam dispertiat, aut interficiatur a sociis aut relinquatur. Quin etiam leges latronum esse dicuntur, quibus pareant, quas observent. Itaque propter aequabilem praedae partitionem et Bardulis Illyrius [latro], de quo est apud Theopompum, magnas opes habuit, et multo majores Viriathus Lusitanus; cui quidem etiam exercitus nostri imperatoresque cesserunt, quem C. Laelius, is qui sapiens usurpatur, praetor fregit et comminuit, ferocitatemque ejus ita repressit, ut facile bellum reliquis traderet. Quum igitur tanta vis justitiae sit, ut ea etiam latronum opes firmet atque augeat, quantam ejus vim inter leges et judicia et in constituta re publica fore putamus?

XII. Mihi quidem non apud Medos solum, ut ait Herodotus, sed etiam apud majores nostros, justitiae fruendae causa videntur olim bene morati reges constituti. Nam quum premeretur inops multitudo ab iis, qui majores opes habebant, ad unum aliquem confugiebant virtute praestantem; qui quum prohiberet injuria tenuiores, aequitate constituenda summos cum infimis pari jure retinebat. Eademque constituendarum legum fuit causa, quae regum. Jus enim semper est quaesitum aequabile; neque enim aliter esset jus. Id si ab uno justo et bono viro consequebantur, erant

eo contenti: quum id minus contingeret, leges sunt inventae, quae cum omnibus semper una atque eadem voce loquerentur. Ergo hoc quidem perspicuum est, eos ad imperandum deligi solitos, quorum de justitia magna esset opinio multitudinis. Adjuncto vero, ut iidem etiam prudentes haberentur, nihil erat, quod homines iis auctoribus non posse consequi se arbitrarentur. Omni igitur ratione colenda et retinenda justitia est, quum ipsa per sese — nam aliter justitia non esset —, tum propter amplificationem honoris et gloriae. Sed ut pecuniae non quaerendae solum ratio est, verum etiam collocandae, quae perpetuos sumptus suppeditet, nec solum necessarios, sed etiam liberales, sic gloria et quaerenda, et collocanda ratione est. Quamquam praeclare Socrates, hanc viam ad gloriam proximam et quasi compendiariam dicebat esse, si quis id ageret, ut, qualis haberi vellet, talis esset. Quod si qui simulatione et inani ostentatione et ficto non modo sermone sed etiam voltu, stabilem se gloriam consequi posse rentur, vehementer errant. Vera gloria radices agit atque etiam propagatur: ficta omnia celeriter tamquam flosculi decidunt, nec simulatum potest quicquam esse diuturnum. Testes sunt permulti in utramque partem, sed brevitatis causa familia contenti erimus una. Tiberius enim Gracchus, P. filius, tam diu laudabitur, dum memoria rerum Romanarum manebit; at ejus filii nec vivi probabantur bonis, et mortui numerum obtinent jure caesorum. Qui igitur adipisci veram gloriam volet, justitiae fungatur officiis: ea quae essent, dictum est in libro superiore.

XIII. Sed, ut facillime, quales simus, tales esse videamur, etsi in eo ipso vis maxima est, ut simus ii, qui haberi velimus, tamen quaedam praecepta danda sunt. Nam si quis ab ineunte aetate habet causam celebritatis et nominis, aut a patre acceptam, quod tibi, mi Cicero, arbitror contigisse, aut aliquo casu atque fortuna, in hunc oculi omnium conjiciuntur atque in eum, quid agat, quemadmodum

vivat, inquiritur, et, tamquam in clarissima luce versetur, ita nullum obscurum potest nec dictum ejus esse nec factum. Quorum autem prima aetas propter humilitatem et obscuritatem in hominum ignoratione versatur, ii, simul ac juvenes esse coeperunt, magna spectare et ad ea rectis studiis debent contendere; quod eo firmiore animo facient, quia non modo non invidetur illi aetati, verum etiam favetur. Prima est igitur adolescenti commendatio ad gloriam, si qua ex bellicis rebus comparari potest, in qua multi apud majores nostros exstiterunt; semper enim fere bella gerebantur. Tua autem aetas incidit in id bellum, cujus altera pars sceleris nimium habuit, altera felicitatis parum. Quo tamen in bello, quum te Pompeius alae [alteri] praefecisset, magnam laudem et a summo viro et ab exercitu consequebare equitando, jaculando, omni militari labore tolerando. Atque ea quidem tua laus pariter cum re publica cecidit. Mihi autem haec oratio suscepta non de te est, sed de genere toto: quam ob rem pergamus ad ea, quae restant. Ut igitur in reliquis rebus multo majora opera sunt animi, quam corporis, sic eae res, quas ingenio ac ratione persequimur, gratiores sunt, quam illae, quas viribus. Prima igitur commendatio proficiscitur a modestia, tum pietate in parentes, in suos benevolentia. Facillime autem et in optimam partem cognoscuntur adolescentes, qui se ad claros et sapientes viros, bene consulentes rei publicae, contulerunt; quibuscum si frequentes sunt, opinionem afferunt populo, eorum fore se similes, quos sibi ipsi delegerint ad imitandum. P. Rutilii adolescentiam ad opinionem et innocentiae et juris scientiae P. Mucii commendavit domus. Nam L. quidem Crassus, quum esset admodum adolescens, non aliunde mutuatus est, sed sibi ipse peperit maxumam laudem ex illa accusatione nobili et gloriosa; et qua aetate qui exercentur, laude affici solent, ut de Demosthene accepimus, ea aetate L. Crassus ostendit, id se in foro optime jam facere, quod etiam tum poterat domi cum laude meditari.

XIV. Sed quum duplex ratio sit orationis, quarum in altera sermo est, in altera contentio, non est id quidem dubium, quin contentio [orationis] majorem vim habeat ad gloriam — ea est enim, quam eloquentiam dicimus — ; sed tamen difficile dictu est, quanto opere conciliet animos comitas affabilitasque sermonis. Exstant epistolae, et Philippi ad Alexandrum, et Antipatri ad Cassandrum, et Antigoni ad Philippum filium, trium prudentissimorum — sic enim accepimus —, quibus praecipiunt, ut oratione benigna multitudinis animos ad benevolentiam alliciant militesque blande appellando deleniant. Quae autem in multitudine cum contentione habetur oratio, ea saepe universam excitat; magna est enim admiratio copiose sapienterque dicentis, quem qui audiunt, intelligere etiam et sapere plus quam ceteros arbitrantur. Si vero inest in oratione mixta modestia gravitas, nihil admirabilius fieri potest; eoque magis, si ea sunt in adolescente. Sed, quum sint plura causarum genera, quae eloquentiam desiderent, multique in nostra re publica adolescentes et apud judices, et apud populum, et apud senatum dicendo laudem assecuti sint, maxima est admiratio in judiciis, quorum ratio duplex est. Nam ex accusatione et ex defensione constat, quarum etsi laudabilior est defensio, tamen etiam accusatio probata persaepe est. Dixi paulo ante de Crasso: idem fecit adolescens M. Antonius. Etiam P. Sulpicii eloquentiam accusatio illustravit, quum seditiosum et inutilem civem, C. Norbanum, in judicium vocavit. Sed hoc quidem non est saepe faciendum, nec umquam nisi aut rei publicae causa, ut ii, quos ante dixi, aut ulciscendi, ut duo Luculli, aut patrocinii, ut nos pro Siculis, pro Sardis in Albucio Julius. In accusando etiam M'. Aquilio L. Fufii cognita industria est. Semel igitur aut non saepe certe. Sin erit, cui faciendum sit saepius, rei publicae tribuat hoc muneris, cujus inimicos ulcisci saepius non est reprehendendum; modus tamen adsit. Duri enim hominis vel potius vix hominis videtur, peri-

culum capitis inferre multis. Id quum periculosum ipsi est, tum etiam sordidum ad famam, committere ut accusator nominere: quod contigit M. Bruto, summo genere nato, illius filio, qui juris civilis in primis peritus fuit. Atque etiam hoc praeceptum officii diligenter tenendum est, ne quem umquam innocentem judicio capitis arcessas; id enim sine scelere fieri nullo pacto potest. Nam quid est tam inhumanum, quam eloquentiam, a natura ad salutem hominum et ad conservationem datam, ad bonorum pestem perniciemque convertere? Nec tamen, ut hoc fugiendum est, item est habendum religioni, nocentem aliquando, modo ne nefarium impiumque, defendere. Volt hoc multitudo, patitur consuetudo, fert etiam humanitas. Judicis est semper in causis verum sequi, patroni nonnumquam veri simile, etiam si minus sit verum, defendere: quod scribere, praesertim quum de philosophia scriberem, non auderem, nisi idem placeret gravissimo Stoicorum Panaetio. Maxume autem et gloria paritur et gratia defensionibus; eoque major, si quando accidit, ut ei subveniatur, qui potentis alicujus opibus circumveniri urguerique videatur, ut nos et saepe alias et adolescentes contra L. Sullae dominantis opes pro Sex. Roscio Amerino fecimus; quae, ut scis, exstat oratio.

XV. Sed expositis adolescentium officiis, quae valeant ad gloriam adipiscendam, deinceps de beneficentia ac de liberalitate dicendum est; cujus est ratio duplex. Nam aut opera benigne fit indigentibus aut pecunia. Facilior est haec posterior, locupleti praesertim, sed illa lautior ac splendidior et viro forti claroque dignior. Quamquam enim in utraque inest gratificandi liberalis voluntas, tamen altera ex arca, altera ex virtute depromitur; largitioque, quae fit ex re familiari, fontem ipsum benignitatis exhaurit. Ita benignitate benignitas tollitur; qua quo in plures usus sis, eo minus in multos uti possis. At qui opera, id est virtute et industria, benefici et liberales erunt, primum, quo pluribus profuerint, eo plures ad be-

nigne faciendum adjutores habebunt, dein consuetudine beneficentiae paratiores erunt et tamquam exercitatiores ad bene de multis promerendum. Praeclare in epistola quadam Alexandrum filium Philippus accusat, quod largitione benevolentiam Macedonum consectetur. *Quae te, malum!* inquit, *ratio in istam spem induxit, ut eos tibi fideles putares fore, quos pecunia corrupisses? An tu id agis, ut Macedones non te regem suum, sed ministrum et praebitorem sperent fore?* Bene *ministrum et praebitorem*, quia sordidum regi; melius etiam, quod largitionem corruptelam dixit esse. Fit enim deterior, qui accipit, atque ad idem semper exspectandum paratior. Hoc ille filio, sed praeceptum putemus omnibus. Quam ob rem id quidem non dubium est, quin illa benignitas, quae constet ex opera et industria, et honestior sit et latius pateat, et possit prodesse pluribus. Nonnumquam tamen est largiendum nec hoc benignitatis genus omnino repudiandum est, et saepe idoneis hominibus indigentibus de re familiari impertiendum, sed diligenter atque moderate. Multi enim patrimonia effuderunt inconsulte largiendo. Quid autem est stultius quam, quod libenter facias, curare, ut id diutius facere non possis? Atque etiam sequuntur largitionem rapinae. Quum enim dando egere coeperunt, alienis bonis manus afferre coguntur. Ita, quum benevolentiae comparandae causa benefici esse velint, non tanta studia assequuntur eorum, quibus dederunt, quanta odia eorum, quibus ademerunt. Quam ob rem nec ita claudenda res est familiaris, ut eam benignitas aperire non possit, nec ita reseranda, ut pateat omnibus: modus adhibeatur isque referatur ad facultates. Omnino meminisse debemus id, quod a nostris hominibus saepissime usurpatum, jam in proverbii consuetudinem venit, largitionem fundum non habere. Etenim quis potest modus esse, quum et idem qui consuerunt et idem illud alii desiderent?

XVI. Omnino duo sunt genera largorum, quorum alteri prodigi, alteri liberales: prodigi, qui epulis, et

visceratiouibus, et gladiatorum muneribus, ludorum venationumque apparatu, pecunias profundunt in eas res, quarum memoriam aut brevem aut nullam omnino sint relicturi; liberales autem, qui suis facultatibus aut captos a praedonibus redimunt, aut aes alienum suscipiunt amicorum, aut in filiarum collocatione adjuvant, aut opitulantur in re vel quaerenda vel augenda. Itaque miror, quid in mentem venerit Theophrasto in eo libro, quem de divitiis scripsit; in quo multa praeclare, illud absurde: est enim multus in laudanda magnificentia et apparatione popularium munerum, taliumque sumptuum facultatem fructum divitiarum putat. Mihi autem ille fructus liberalitatis, cujus pauca exempla posui, multo et major videtur et certior. Quanto Aristoteles gravius et verius nos reprehendit! qui has pecuniarum effusiones non admiremur, quae fiunt ad multitudinem deleniendam. Ait enim, qui ab hoste obsidentur, si emere aquae sextarium cogantur mina, hoc primo incredibile nobis videri, omnesque mirari, sed, quum attenderint, veniam necessitati dare, in his immanibus jacturis infinitisque sumptibus nihil nos magno opere mirari; quum praesertim neque necessitati subveniatur nec dignitas augeatur, ipsaque illa delectatio multitudinis ad breve exiguumque tempus, eaque a levissimo quoque; in quo tamen ipso una cum satietate, memoria quoque moriatur voluptatis. Bene etiam colligit, haec pueris et mulierculis et servis et servorum simillimis liberis esse grata, gravi vero homini et ea, quae fiunt, judicio certo ponderanti, probari posse nullo modo. Quamquam intelligo, in nostra civitate inveterasse jam bonis temporibus, ut splendor aedilitatum ab optimis viris postularetur. Itaque et P. Crassus quum cognomine dives tum copiis, functus est aedilicio maximo munere, et paulo post L. Crassus cum omnium hominum moderatissimo, Q. Mucio, magnificentissima aedilitate functus est; deinde C. Claudius, App. filius; multi post, Luculli, Hortensius, Silanus. Omnes autem P. Lentulus, me consule,

vicit superiores: hunc est Scaurus imitatus. Magnificentissima vero nostri Pompeii munera secundo consulatu: in quibus omnibus quid mihi placeat, vides.

XVII. Vitanda tamen suspicio est avaritiae. Mamerco, homini divitissimo, praetermissio aedilitatis consulatus repulsam attulit. Quare et, si postulatur a populo, bonis viris si non desiderantibus, at tamen approbantibus, faciundum est, modo pro facultatibus, nos ipsi ut fecimus; et, si quando aliqua res major atque utilior populari largitione acquiritur, ut Oresti nuper prandia in semitis decumae nomine magno honori fuerunt. Ne Marco quidem Seio vitio datum est, quod in caritate asse modium populo dedit; magna enim se et inveterata invidia nec turpi jactura, quando erat aedilis, nec maxima liberavit. Sed honori summo nuper nostro Miloni fuit, qui gladiatoribus emptis rei publicae causa, quae salute nostra continebatur, omnes P. Clodii conatus furoresque compressit. Causa igitur largitionis est, si aut necesse est aut utile. In his autem ipsis mediocritatis regula optima est. L. quidem Philippus, Q. filius, magno vir ingenio in primisque clarus, gloriari solebat, se sine ullo munere adeptum esse omnia, quae haberentur amplissima. Dicebat idem Cotta, Curio: nobis quoque licet in hoc quodam modo gloriari. Nam pro amplitudine honorum, quos cunctis suffragiis adepti sumus nostro quidem anno, quod contigit eorum nemini, quos modo nominavi, sane exiguus sumptus aedilitatis fuit. Atque etiam illae impensae meliores, muri, navalia, portus, aquarum ductus, omniaque, quae ad usum rei publicae pertinent. Quamquam, quod praesens tamquam in manum datur, jucundius est, tamen haec in posterum gratiora. Theatra, porticus, nova templa, verecundius reprehendo, propter Pompeium; sed doctissimi non probant, ut et hic ipse Panaetius, quem multum in his libris secutus sum, non interpretatus, et Phalereus Demetrius, qui Periclem, principem Graeciae, vitu-

perat, quod tantam pecuniam in praeclara illa propylaea conjecerit. Sed de hoc genere toto, in iis libris, quos de re publica scripsi, diligenter est disputatum. Tota igitur ratio talium largitionum genere vitiosa est, temporibus necessaria; et tum ipsum et ad facultates accommodanda et mediocritate moderanda est.

XVIII. In illo autem altero genere largiendi, quod a liberalitate proficiscitur, non uno modo in disparibus causis affecti esse debemus. Alia causa est ejus, qui calamitate premitur, et ejus, qui res meliores quaerit, nullis suis rebus adversis. Propensior benignitas esse debebit in calamitosos, nisi forte erunt digni calamitate. In iis tamen, qui se adjuvari volent, non ne affligantur, sed ut altiorem gradum ascendant, restricti omnino esse nullo modo debemus, sed in deligendis idoneis judicium et diligentiam adhibere. Nam praeclare Ennius:

Bene facta male locata, male facta arbitror.

Quod autem tributum est bono viro et grato, in eo quum ex ipso fructus est, tum etiam ex ceteris. Temeritate enim remota, gratissima est liberalitas; eoque eam studiosius plerique laudant, quod summi cujusque bonitas commune perfugium est omnium. Danda igitur opera est, ut iis beneficiis quam plurimos afficiamus, quorum memoria liberis posterisque prodatur, ut iis ingratis esse non liceat. Omnes enim immemorem beneficii oderunt, eamque injuriam in deterrenda liberalitate sibi etiam fieri, eumque, qui faciat, communem hostem tenuiorum putant. Atque haec benignitas etiam rei publicae est utilis, redimi e servitute captos, locupletari tenuiores: quod quidem volgo solitum fieri ab ordine nostro, in oratione Crassi scriptum copiose videmus. Hanc ego consuetudinem benignitatis largitioni munerum longe antepono. Haec est gravium hominum atque magnorum, illa quasi assentatorum populi, multitudinis levitatem

voluptate quasi titillantium. Conveniet autem quum in dando munificum esse tum in exigendo non acerbum, in omnique re contrahenda, vendundo emendo, conducendo locando, vicinitatibus et confiniis aequum, facilem, multa multis de suo jure cedentem, a litibus vero, quantum liceat et nescio an paulo plus etiam quam liceat, abhorrentem. Est enim non modo liberale, paulum nonnumquam de suo jure decedere, sed interdum etiam fructuosum. Habenda autem ratio est rei familiaris, quam quidem dilabi sinere flagitiosum est, sed ita, ut illiberalitatis avaritiaeque absit suspicio. Posse enim liberalitate uti, non spoliantem se patrimonio, nimirum est pecuniae fructus maximus. Recte etiam a Theophrasto est laudata hospitalitas. Est enim, ut mihi quidem videtur, valde decorum, patere domus hominum illustrium hospitibus illustribus; idque etiam rei publicae est ornamento, homines externos hoc liberalitatis genere in urbe nostra non egere. Est autem etiam vehementer utile iis, qui honeste posse multum volunt, per hospites apud externos populos valere opibus et gratia. Theophrastus quidem scribit, Cimonem [Athenis] etiam in suos curiales [Laciadas] hospitalem fuisse: ita enim instituisse, et villicis imperavisse, ut omnia praeberentur, quicumque Laciades in villam suam devertisset.

XIX. Quae autem opera, non largitione, beneficia dantur, haec tum in universam rem publicam, tum in singulos cives conferuntur. Nam in jure cavere, [consilio juvare,] atque hoc scientiae genere prodesse quam plurimis, vehementer et ad opes augendas pertinet et ad gratiam. Itaque quum multa praeclara majorum, tum quod optime constituti juris civilis summo semper in honore fuit cognitio atque interpretatio: quam quidem ante hanc confusionem temporum in possessione sua principes retinuerunt; nunc, ut honores, ut omnes dignitatis gradus, sic hujus scientiae splendor deletus est; idque eo indignius, quod eo tempore hoc contigit, quum is esset, qui

omnes superiores, quibus honore par esset, scientia facile vicisset. Haec igitur opera grata multis, et ad beneficiis obstringendos homines accommodata. Atque huic arti finitima est dicendi [gravior] facultas, et gratior, et ornatior. Quid enim eloquentia praestabilius, vel admiratione audientium vel spe indigentium vel eorum, qui defensi sunt, gratia? Huic quoque ergo a majoribus nostris est in toga dignitatis principatus datus. Diserti igitur hominis et facile laborantis, quodque in patriis est moribus, multorum causas et non gravate et gratuito defendentis, beneficia et patrocinia late patent. Admonebat me res, ut hoc quoque loco intermissionem eloquentiae, ne dicam interitum, deplorarem, ni vererer, ne de me ipso aliquid viderer queri. Sed tamen videmus, quibus exstinctis oratoribus, quam in paucis spes, quanto in paucioribus facultas, quam in multis sit audacia. Quum autem omnes non possint, ne multi quidem, aut juris periti esse aut diserti, licet tamen opera prodesse multis, beneficia petentem, commendantem judicibus, magistratibus, vigilantem pro re alterius, eos ipsos, qui aut consuluntur aut defendunt, rogantem: quod qui faciunt, plurimum gratiae consequuntur latissimeque eorum manat industria. Jam illud non sunt admonendi—est enim in promptu—ut animum advertant, quum juvare alios velint, ne quos offendant. Saepe enim aut eos laedunt, quos non debent, aut eos, quos non expedit: si imprudentes, negligentiae est, si scientes, temeritatis. Utendum etiam est excusatione adversus eos, quos invitus offendas, quacumque possis, quare id, quod feceris, necesse fuerit, nec aliter facere potueris; ceterisque operis et officiis erit id, quod violatum videbitur, compensandum.

XX. Sed quum in hominibus juvandis aut mores spectari aut fortuna soleat, dictu quidem est proclive, itaque volgo loquuntur, se in beneficiis collocandis mores hominum, non fortunam sequi. Honesta oratio est. Sed quis est tandem, qui inopis et optimi viri causae non anteponat, in opera danda, gratiam fortu-

nati et potentis? A quo enim expeditior et celerior remuneratio fore videtur, in eum fere est voluntas nostra propensior. Sed animadvertendum est diligentius, quae natura rerum sit. Nimirum enim inops ille, si bonus est vir, etiam si referre gratiam non potest, habere certe potest. Commode autem, quicumque dixit, pecuniam qui habeat, non reddidisse, qui reddiderit, non habere; gratiam autem et qui rettulerit, habere, et qui habeat, rettulisse. At, qui se locupletes, honoratos, beatos putant, ii ne obligari quidem beneficio volunt; quin etiam beneficium se dedisse arbitrantur, quum ipsi quamvis magnum aliquod acceperint, atque etiam a se aut postulari aut exspectari aliquid suspicantur; patrocinio vero se usos aut clientes appellari, mortis instar putant. At vero ille tenuis, quum, quicquid factum est, se spectatum, non fortunam putat, non modo illi, qui est meritus, sed etiam illis, a quibus exspectat — eget enim multis —, gratum se videri studet; neque vero verbis auget suum munus, si quo forte fungitur, sed etiam extenuat. Videndumque illud est, quod, si opulentum fortunatumque defenderis, in uno illo aut, si forte in liberis ejus manet gratia; sin autem inopem, probum tamen et modestum, omnes non improbi humiles, quae magna in populo multitudo est, praesidium sibi paratum vident. Quam ob rem melius apud bonos, quam apud fortunatos, beneficium collocari puto. Danda omnino opera est, ut omni generi satis facere possimus; sed, si res in contentionem veniet, nimirum Themistocles est auctor adhibendus, qui quum consuleretur, utrum bono viro pauperi an minus probato diviti filiam collocaret: *Ego vero*, inquit, *malo virum, qui pecunia egeat, quam pecuniam, quae viro.* Sed corrupti mores depravatique sunt admiratione divitiarum: quarum magnitudo quid ad unumquemque nostrum pertinet? Illum fortasse adjuvat, qui habet. Ne id quidem semper. Sed fac juvare: opulentior sane sit, honestior vero quo modo? Quod si etiam bonus erit vir, ne impediant divitiae, quominus

juvetur, modo ne adjuvent; sitque omne judicium non, quam locuples, sed qualis quisque sit! Extremum autem praeceptum in beneficiis operaque danda, ne quid contra aequitatem contendas, ne quid pro injuria; fundamentum enim est perpetuae commendationis et famae justitia, sine qua nihil potest esse laudabile.

XXI. Sed quoniam de eo genere beneficiorum dictum est, quae ad singulos spectant, deinceps de iis, quae ad universos, quaeque ad rem publicam pertinent, disputandum est. Eorum autem ipsorum partim ejusmodi sunt, ut ad universos cives pertineant, partim, singulos ut attingant, quae sunt etiam gratiora. Danda opera est omnino, si possit, utrisque, nec minus, ut etiam singulis consulatur; sed ita, ut ea res aut prosit aut certe ne obsit rei publicae. C. Gracchi frumentaria magna largitio, exhauriebat igitur aerarium: modica M. Octavii et rei publicae tolerabilis et plebi necessaria, ergo et civibus et rei publicae salutaris. In primis autem videndum erit ei, qui rem publicam administrabit, ut suum quisque teneat, neque de bonis privatorum publice deminutio fiat. Perniciose enim Philippus in tribunatu, quum legem agrariam ferret, quam tamen antiquari facile passus est, et in eo vehementer se moderatum praebuit; sed quum in agendo multa populariter, tum illud male, non esse in civitate duo milia hominum, qui rem haberent. Capitalis oratio, ad aequationem bonorum pertinens; qua peste quae potest esse major? Hanc enim ob causam maxume, ut sua tenerentur, res publicae civitatesque constitutae sunt. Nam, etsi duce natura congregabantur homines, tamen spe custodiae rerum suarum urbium praesidia quaerebant. Danda etiam opera est, ne, quod apud majores nostros saepe fiebat, propter aerarii tenuitatem assiduitatemque bellorum, tributum sit conferendum, idque ne eveniat, multo ante erit providendum. Sin quae necessitas hujus muneris alicui rei publicae obvenerit — malo enim alii quam nostrae ominari, neque tamen de nostra,

sed de omni re publica disputo, — danda erit opera, ut omnes intelligant, si salvi esse velint, necessitati esse parendum. Atque etiam omnes, qui rem publicam gubernabunt, consulere debebunt, ut earum rerum copia sit, quae sunt necessariae. Quarum qualis comparatio fieri soleat et debeat, non est necesse disputare; est enim in promptu: tantum locus attingendus fuit. Caput autem est in omni procuratione negotii et muneris publici, ut avaritiae pellatur etiam minima suspicio. *Utinam*, inquit C. Pontius Samnis, *ad illa tempora me fortuna reservavisset et tum essem natus, quando Romani dona accipere coepissent! non essem passus diutius eos imperare.* Ne illi multa saecula exspectanda fuerunt; modo enim hoc malum in hanc rem publicam invasit. Itaque facile patior, tum potius Pontium fuisse, siquidem in illo tantum fuit roboris. Nondum centum et decem anni sunt, quum de pecuniis repetundis a L. Pisone lata lex est, nulla antea quum fuisset. At vero postea tot leges, et proxumae quaeque duriores, tot rei, tot damnati, tantum [Italicum] bellum propter judiciorum metum excitatum, tanta, sublatis legibus et judiciis, expilatio direptioque sociorum, ut imbecillitate aliorum, non nostra virtute valeamus.

XXII. Laudat Africanum Panaetius, quod fuerit abstinens. Quidni laudet? Sed in illo alia majora. Laus abstinentiae non hominis est solum, sed etiam temporum illorum. Omni Macedonum gaza, quae fuit maxima, potitus Paulus tantum in aerarium pecuniae invexit, ut unius imperatoris praeda finem attulerit tributorum: at hic nihil domum suam intulit praeter memoriam nominis sempiternam. Imitatus patrem Africanus nihilo locupletior Karthagine eversa. Quid? qui ejus collega fuit in censura, L. Mummius, num quid copiosior, quum copiosissimam urbem funditus sustulisset? Italiam ornare, quam domum suam, maluit: quamquam Italia ornata, domus ipsa mihi videtur ornatior. Nullum igitur vitium

taetrius est, ut eo, unde digressa est, referat se oratio, quam avaritia, praesertim in principibus et rem publicam gubernantibus. Habere enim quaestui rem publicam non modo turpe est, sed sceleratum etiam et nefarium. Itaque, quod Apollo Pythius oraculum edidit, Spartam nulla re alia nisi avaritia esse perituram, id videtur non solum Lacedaemoniis, sed etiam omnibus opulentis populis praedixisse. Nulla autem re conciliare facilius benevolentiam multitudinis possunt ii, qui rei publicae praesunt, quam abstinentia et continentia. Qui vero se populares volunt, ob eamque causam aut agrariam rem tentant, ut possessores pellantur suis sedibus, aut pecunias creditas debitoribus condonandas putant, labefactant fundamenta rei publicae: concordiam primum, quae esse non potest, quum aliis adimuntur, aliis condonantur pecuniae, deinde aequitatem, quae tollitur omnis, si habere suum cuique non licet. Id enim est proprium, ut supra dixi, civitatis atque urbis, ut sit libera et non sollicita suae rei cujusque custodia. Atque in hac pernicie rei publicae ne illam quidem consequuntur, quam putant, gratiam. Nam cui res erepta est, est inimicus: cui data est, etiam dissimulat, se accipere voluisse, et maxime in pecuniis creditis occultat suum gaudium, ne videatur non fuisse solvendo. At vero ille, qui accepit injuriam, et meminit et prae se fert dolorem suum; nec, si plures sunt ii, quibus improbe datum est, quam illi, quibus injuste ademptum est, idcirco plus etiam valent. Non enim numero haec judicantur, sed pondere. Quam autem habet aequitatem, ut agrum multis annis aut etiam saeculis ante possessum, qui nullum habuit, habeat, qui autem habuit, amittat?

XXIII. Ac propter hoc injuriae genus Lacedaemonii Lysandrum ephorum expulerunt, Agim regem, quod numquam antea apud eos acciderat, necaverunt; exque eo tempore tantae discordiae secutae sunt, ut et tyranni exsisterent, et optimates ex-

terminarentur, et praeclarissime constituta res publica dilaberetur. Nec vero solum ipsa cecidit, sed etiam reliquam Graeciam evertit contagionibus malorum, quae a Lacedaemoniis profecta emanarunt latius. Quid? nostros Gracchos, Ti. Gracchi summi viri filios, Africani nepotes, nonne agrariae contentiones perdiderunt? At vero Aratus Sicyonius jure laudatur, qui, quum ejus civitas quinquaginta annos a tyrannis teneretur, profectus Argis Sicyonem, clandestino introitu urbe est potitus, quumque tyrannum Nicoclem improviso oppressisset, sexcentos exsules, qui locupletissimi fuerant ejus civitatis, restituit, remque publicam adventu suo liberavit. Sed quum magnam animadverteret in bonis et possessionibus difficultatem, quod et eos, quos ipse restituerat, quorum bona alii possederant, egere iniquissimum esse arbitrabatur, et quinquaginta annorum possessiones moveri non nimis aequum putabat, propterea quod tam longo spatio multa hereditatibus, multa emptionibus, multa dotibus tenebantur sine injuria, judicavit, neque illis adimi, nec iis non satisfieri, quorum illa fuerant, oportere. Quum igitur statuisset, opus esse ad eam rem constituendam pecunia, Alexandream se proficisci velle dixit remque integram ad reditum suum jussit esse; isque celeriter ad Ptolemaeum, suum hospitem, venit, qui tum regnabat alter post Alexandream conditam. Cui quum exposuisset patriam se liberare velle causamque docuisset, a rege opulento vir summus facile impetravit, ut grandi pecunia adjuvaretur. Quam quum Sicyonem attulisset, adhibuit sibi in consilium quindecim principes, cum quibus causas cognovit et eorum, qui aliena tenebant, et eorum, qui sua amiserant; perfecitque aestimandis possessionibus, ut persuaderet aliis, ut pecuniam accipere mallent, possessionibus cederent, aliis, ut commodius putarent numerari sibi, quod tanti esset, quam suum recuperare. Ita perfectum est, ut omnes concordia constituta sine querella discederent. O virum magnum dignumque, qui in re publica

nostra natus esset! Sic par est agere cum civibus, non, ut bis jam vidimus, hastam in foro ponere et bona civium voci subjicere praeconis. At ille Graecus, id quod fuit sapientis et praestantis viri, omnibus consulendum putavit; eaque est summa ratio et sapientia boni civis, commoda civium non divellere atque omnes aequitate eadem continere. Habitent gratis in alieno. Quid ita? ut, quum ego emerim, aedificarim, tuear, impendam, tu, me invito, fruare meo? Quid est aliud aliis sua eripere, aliis dare aliena? Tabulae vero novae quid habent argumenti, nisi ut emas mea pecunia fundum, eum tu habeas, ego non habeam pecuniam?

XXIV. Quam ob rem ne sit aes alienum, quod rei publicae noceat, providendum est, quod multis rationibus caveri potest, non, si fuerit, ut locupletes suum perdant, debitores lucrentur alienum. Nec enim ulla res vehementius rem publicam continet, quam fides; quae esse nulla potest, nisi erit necessaria solutio rerum creditarum. Numquam vehementius actum est, quam me consule, ne solveretur. Armis et castris temptata res est ab omni genere hominum et ordine; quibus ita restiti, ut hoc totum malum de re publica tolleretur. Numquam nec majus aes alienum fuit, nec melius nec facilius dissolutum est; fraudandi enim spe sublata, solvendi necessitas consecuta est. At vero hic nunc victor, tum quidem victus, quae cogitarat, ea perfecit, quum ejus jam nihil interesset. Tanta in eo peccandi libido fuit, ut hoc ipsum eum delectaret, [peccare,] etiamsi causa non esset. Ab hoc igitur genere largitionis, ut aliis detur, aliis auferatur, aberunt ii, qui rem publicam tuebuntur; in primisque operam dabunt, ut juris et judiciorum aequitate suum quisque teneat, et neque tenuiores propter humilitatem circumveniantur, neque locupletibus ad sua vel tenenda vel recuperanda obsit invidia; praeterea, quibuscumque rebus vel belli vel domi poterunt, rem publicam augeant imperio, agris, vectigalibus. Haec magno-

rum hominum sunt; haec apud majores nostros factitata; haec genera officiorum qui persequuntur, cum summa utilitate rei publicae magnam ipsi adipiscentur et gratiam et gloriam.

In his autem utilitatum praeceptis Antipater Tyrius, Stoicus, qui Athenis nuper est mortuus, duo praeterita censet esse a Panaetio, valetudinis curationem et pecuniae: quas res a summo philosopho praeteritas arbitror, quod essent faciles; sunt certe utiles. Sed valetudo sustentatur notitia sui corporis, et observatione, quae res aut prodesse soleant aut obesse, et continentia in victu omni atque cultu corporis tuendi causa, [praetermittendis voluptatibus,] postremo arte eorum, quorum ad scientiam haec pertinent. Res autem familiaris quaeri debet iis rebus, a quibus abest turpitudo, conservari autem diligentia et parsimonia, eisdem etiam rebus augeri. Has res commodissime Xenophon Socraticus persecutus est in eo libro, qui Oeconomicus inscribitur, quem nos, ista fere aetate quum essemus, qua es tu nunc, e Graeco in Latinum convertimus. Sed toto hoc de genere, de quaerenda, de collocanda pecunia, etiam de utenda, commodius a quibusdam optumis viris ad Janum medium sedentibus, quam ab ullis philosophis ulla in schola disputatur. Sunt tamen ea cognoscenda; pertinent enim ad utilitatem, de qua hoc libro disputatum est.

XXV. Sed utilitatum comparatio, quoniam hic locus erat quartus, a Panaetio praetermissus, saepe est necessaria. Nam et corporis commoda cum externis, [et externa cum corporis,] et ipsa inter se corporis, et externa cum externis comparari solent. Cum externis corporis hoc modo comparantur, valere ut malis quam dives esse; [cum corporis externa hoc modo, dives esse potius quam maxumis corporis viribus;] ipsa inter se corporis sic, ut bona valetudo voluptati anteponatur, vires celeritati; externorum autem, ut gloria divitiis, vectigalia urbana rusticis. Ex quo genere comparationis illud est

Catonis senis: a quo quum quaereretur, quid maxume in re familiari expediret, respondit: *Bene pascere.* Quid secundum? *Satis bene pascere.* Quid tertium? *Male pascere.* Quid quartum? *Arare.* Et quum ille, qui quaesierat, dixisset, *Quid faenarari?* tum Cato, *Quid hominem*, inquit, *occidere?* Ex quo et multis aliis intelligi debet, utilitatum comparationes fieri solere, recteque hoc adjunctum esse quartum exquirendorum officiorum genus. Reliqua deinceps persequemur.

M. TULLII CICERONIS

DE OFFICIIS

AD MARCUM FILIUM.

LIBER TERTIUS.

I. P. Scipionem, Marce fili, eum, qui primus Africanus appellatus est, dicere solitum scripsit Cato, qui fuit ejus fere aequalis, numquam se minus otiosum esse quam quum otiosus, nec minus solum quam quum solus esset. Magnifica vero vox et magno viro ac sapiente digna: quae declarat, illum et in otio de negotiis cogitare et in solitudine secum loqui solitum, ut neque cessaret umquam, et interdum colloquio alterius non egeret. Ita duae res, quae languorem afferunt ceteris, illum acuebant, otium et solitudo. Vellem nobis hoc idem vere dicere liceret; sed si minus imitatione tantam ingenii praestantiam consequi possumus, voluntate certe proxime accedimus. Nam et a re publica forensibusque negotiis armis impiis vique prohibiti, otium persequimur, et ob eam causam, urbe relicta, rura peragrantes, saepe soli sumus. Sed nec hoc otium cum Africani otio, nec haec solitudo cum illa comparanda est. Ille enim requiescens a rei publicae pulcherrimis muneribus otium sibi sumebat aliquando, et e coetu hominum frequentiaque interdum, tamquam in portum, se in solitudinem recipiebat: nostrum autem otium negotii

inopia, non requiescendi studio, constitutum est. Exstincto enim senatu deletisque judiciis, quid est, quod dignum nobis aut in curia aut in foro agere possimus? Ita, qui in maxima celebritate atque in oculis civium quondam viximus, nunc fugientes conspectum sceleratorum, quibus omnia redundant, abdimus nos, quantum licet, et saepe soli sumus. Sed quia sic ab hominibus doctis accepimus, non solum ex malis eligere minima oportere, sed etiam excerpere ex his ipsis, si quid inesset boni, propterea et otio fruor, non illo quidem, quo debebat is, qui quondam peperisset otium civitati; nec eam solitudinem languere patior, quam mihi affert necessitas, non voluntas. Quamquam Africanus majorem laudem meo judicio assequebatur. Nulla enim ejus ingenii monumenta mandata litteris, nullum opus otii, nullum solitudinis munus exstat: ex quo intelligi debet, illum mentis agitatione investigationeque earum rerum, quas cogitando consequebatur, nec otiosum nec solum umquam fuisse. Nos autem, qui non tantum roboris habemus, ut cogitatione tacita a solitudine abstrahamur, ad hanc scribendi operam omne studium curamque convertimus. Itaque plura brevi tempore eversa, quam multis annis stante re publica, scripsimus.

II. Sed quum tota philosophia, mi Cicero, frugifera et fructuosa, nec ulla pars ejus inculta ac deserta sit, tum nullus feracior in ea locus est nec uberior quam de officiis, a quibus constanter honesteque vivendi praecepta ducuntur. Quare quamquam a Cratippo nostro, principe hujus memoriae philosophorum, haec te assidue audire atque accipere confido, tamen conducere arbitror, talibus aures tuas vocibus undique circumsonare, nec eas, si fieri possit, quicquam aliud audire. Quod quum omnibus est faciendum, qui vitam honestam ingredi cogitant, tum haud scio an nemini potius quam tibi. Sustines enim non parvam exspectationem imitandae industriae nostrae, magnam honorum, nonnullam fortasse nominis. Suscepisti onus praeterea grave et Athenarum et Cratippi: ad

quos quum tamquam ad mercaturam bonarum artium sis profectus, inanem redire turpissimum est, dedecorantem et urbis auctoritatem et magistri. Quare quantum conniti animo potes, quantum labore contendere, si discendi labor est potius quam voluptas, tantum fac ut efficias; neve committas, ut, quum omnia suppeditata sint a nobis, tute tibi defuisse videare. Sed haec hactenus; multa enim saepe ad te cohortandi gratia scripsimus. Nunc ad reliquam partem propositae divisionis revertamur.

Panaetius igitur, qui sine controversia de officiis accuratissime disputavit, quemque nos, correctione quadam adhibita, potissimum secuti sumus, tribus generibus propositis, in quibus deliberare homines et consultare de officio solerent — uno, quum dubitarent, honestumne id esset, de quo ageretur, an turpe; altero, utilene esset an inutile; tertio, si id, quod speciem haberet honesti, pugnaret cum eo, quod utile videretur, quo modo ea discerni oporteret — de duobus generibus primis tribus libris explicavit; de tertio autem genere deinceps se scripsit dicturum, nec exsolvit id, quod promiserat. Quod eo magis miror, quia scriptum a discipulo ejus Posidonio est, triginta annis vixisse Panaetium, posteaquam illos libros edidisset. Quem locum miror a Posidonio breviter esse tactum in quibusdam commentariis, praesertim quum scribat, nullum esse locum in tota philosophia tam necessarium. Minime vero assentior iis, qui negant, eum locum a Panaetio praetermissum, sed consulto relictum, nec omnino scribendum fuisse, quia numquam posset utilitas cum honestate pugnare De quo alterum potest habere dubitationem, adhibendumne fuerit hoc genus, quod in divisione Panaetii tertium est, an plane omittendum; alterum dubitari non potest, quin a Panaetio susceptum sit, sed relictum. Nam qui e divisione tripertita duas partes absolverit, huic necesse est restare tertiam; praeterea in extremo libro tertio de hac parte pollicetur se deinceps esse dicturum. Accedit eodem

testis locuples, Posidonius, qui etiam scribit in quadam epistola, P. Rutilium Rufum dicere solere, qui Panaetium audierat, ut nemo pictor esset inventus, qui in Coa Venere eam partem, quam Apelles inchoatam reliquisset, absolveret — oris enim pulchritudo reliqui corporis imitandi spem auferebat —, sic ea, quae Panaetius praetermisisset [et non perfecisset], propter eorum, quae perfecisset, praestantiam neminem persecutum.

III. Quam ob rem de judicio Panaetii dubitari non potest; rectene autem hanc tertiam partem ad exquirendum officium adjunxerit an secus, de eo fortasse disputari potest. Nam sive honestum solum bonum est, ut Stoicis placet, sive, quod honestum est, id ita summum bonum est, quemadmodum Peripateticis vestris videtur, ut omnia ex altera parte collocata vix minimi momenti instar habeant, dubitandum non est, quin numquam possit utilitas cum honestate contendere. Itaque accepimus, Socratem exsecrari solitum eos, qui primum haec natura cohaerentia, opinione distraxissent. Cui quidem ita sunt Stoici assensi, ut et, quicquid honestum esset, id utile esse censerent, nec utile quicquam, quod non honestum. Quod si is esset Panaetius, qui virtutem propterea colendam diceret, quod ea efficiens utilitatis esset, ut ii, qui res expetendas vel voluptate vel indolentia metiuntur, liceret ei dicere, utilitatem aliquando cum honestate pugnare. Sed quum sit is, qui id solum bonum judicet, quod honestum sit, quae autem huic repugnent specie quadam utilitatis, eorum neque accessione meliorem vitam fieri, nec decessione pejorem, non videtur debuisse ejus modi deliberationem introducere, in qua, quod utile videretur, cum eo, quod honestum est, compararetur. Etenim quod summum bonum a Stoicis dicitur, convenienter naturae vivere, id habet hanc, ut opinor, sententiam, cum virtute congruere semper, cetera autem, quae secundum naturam essent, ita legere, si ea virtuti non repugnarent. Quod quum ita sit, putant quidam, hanc comparationem non recte

introductam, nec omnino de eo genere quicquam praecipiendum fuisse. Atqui illud quidem honestum, quod proprie vereque dicitur, id in sapientibus est solis, neque a virtute divelli umquam potest. In iis autem, in quibus sapientia perfecta non est, ipsum illud quidem perfectum honestum nullo modo, similitudines honesti esse possunt. Haec enim officia, de quibus his libris disputamus, media Stoici appellant: ea communia sunt et late patent, quae et ingenii bonitate multi assequuntur et progressione discendi. Illud autem officium, quod rectum iidem appellant, perfectum atque absolutum est, et, ut iidem dicunt, omnes numeros habet, nec praeter sapientem, cadere in quemquam potest. Quum autem aliquid actum est, in quo media officia compareant, id cumulate videtur esse perfectum propterea, quod volgus, quid absit a perfecto, non fere intelligit; quatenus autem intelligit, nihil putat praetermissum: quod item in poematis, in picturis usu venit, in aliisque compluribus, ut delectentur imperiti laudentque ea, quae laudanda non sint, ob eam, credo, causam, quod insit in iis aliquid probi, quod capiat ignaros, qui [idem], quid in unaquaque re vitii sit, nequeant judicare. Itaque quum sunt docti a peritis, desistunt facile sententia.

IV. Haec igitur officia, de quibus his libris disserimus, quasi secunda quaedam honesta esse dicunt, non sapientium modo propria, sed cum omni hominum genere communia. Itaque iis omnes, in quibus est virtutis indoles, commoventur. Nec vero quum duo Decii aut duo Scipiones fortes viri commemorantur aut quum Fabricius [aut Aristides] justus nominatur, aut ab illis fortitudinis aut ab hoc justitiae, tamquam a sapiente, petitur exemplum: nemo enim horum sic sapiens, ut sapientem volumus intelligi, nec ii, qui sapientes *sunt* habiti et nominati, M. Cato et C. Laelius, sapientes fuerunt, ne illi quidem septem; sed ex mediorum officiorum frequentia similitudinem quandam gerebant speciemque sapientium. Quo-

circa nec id, quod vere honestum est, fas est cum utilitatis repugnantia comparari; nec id, quod communiter appellamus honestum, quod colitur ab iis, qui bonos se viros haberi volunt, cum emolumentis umquam est comparandum; tamque id honestum, quod in nostram intelligentiam cadit, tuendum conservandumque nobis est, quam illud, quod proprie dicitur vereque est honestum, sapientibus: aliter enim teneri non potest, si quae ad virtutem est facta progressio. Sed haec quidem de iis, qui conservatione officiorum existimantur boni. Qui autem omnia metiuntur emolumentis et commodis, neque ea volunt praeponderari honestate, ii solent in deliberando honestum cum eo, quod utile putant, comparare: boni viri non solent. Itaque existimo, Panaetium, quum dixerit homines solere in hac comparatione dubitare, hoc ipsum sensisse quod dixerit, "solere" modo, non etiam "oportere." Etenim non modo pluris putare quod utile videatur, quam quod honestum sit, sed etiam haec inter se comparare et in his addubitare, turpissimum est. Quid ergo est, quod nonnumquam dubitationem afferre soleat considerandumque videatur? Credo, si quando dubitatio accidit, quale sit id, de quo consideretur. Saepe enim tempore fit, ut, quod turpe plerumque haberi soleat, inveniatur non esse turpe. Exempli causa ponatur aliquid, quod pateat latius. Quod potest majus esse scelus, quam non modo hominem, sed etiam familiarem hominem occidere? Num igitur se astrinxit scelere, si qui tyrannum occidit, quamvis familiarem? Populo quidem Romano non videtur, qui ex omnibus praeclaris factis illud pulcherrimum existimat. Vicit ergo utilitas honestatem? Immo vero honestas utilitatem: *honestatem utilitas* secuta est.

Itaque, ut sine ullo errore dijudicare possimus, si quando cum illo, quod honestum intelligimus, pugnare id videbitur, quod appellamus utile, formula quaedam constituenda est, quam si sequemur in comparatione rerum, ab officio numquam recedemus. Erit autem

haec formula Stoicorum rationi disciplinaeque maxime consentanea; quam quidem his libris propterea sequimur, quod, quamquam et a veteribus Academicis et a Peripateticis vestris, qui quondam iidem erant qui Academici, quae honesta sunt, anteponuntur iis, quae videntur utilia, tamen splendidius haec ab eis disserentur, quibus, quicquid honestum est, idem utile videtur nec utile quicquam, quod non honestum, quam ab iis, quibus et honestum aliquid non utile et utile non honestum. Nobis autem nostra Academia magnam licentiam dat, ut, quodcumque maxime probabile occurrat, id nostro jure liceat defendere. Sed redeo ad formulam.

V. Detrahere igitur alteri aliquid, et hominem hominis incommodo suum commodum augere, magis est contra naturam, quam mors, quam paupertas, quam dolor, quam cetera, quae possunt aut corpori accidere aut rebus externis. Nam principio tollit convictum humanum et societatem. Si enim sic erimus affecti, ut propter suum quisque emolumentum spoliet aut violet alterum, dirumpi necesse est eam, quae maxime est secundum naturam, humani generis societatem. Ut, si unumquodque membrum sensum hunc haberet, ut posse putaret se valere, si proximi membri valetudinem ad se traduxisset, debilitari et interire totum corpus necesse esset, sic, si unus quisque nostrum ad se rapiat commoda aliorum detrahatque quod cuique possit, emolumenti sui gratia, societas hominum et communitas evertatur necesse est. Nam sibi ut quisque malit, quod ad usum vitae pertineat, quam alteri acquirere, concessum est, non repugnante natura: illud natura non patitur, ut aliorum spoliis nostras facultates, copias, opes augeamus. Neque vero hoc solum natura, id est jure gentium, sed etiam legibus populorum, quibus in singulis civitatibus res publica continetur, eodem modo constitutum est, ut non liceat sui commodi causa nocere alteri. Hoc enim spectant leges, hoc volunt, incolumem esse civium conjunctionem; quam qui dirimunt,

eos morte, exsilio, vinclis, damno coercent. Atque hoc multo magis efficit ipsa naturae ratio, quae est lex divina et humana, cui parere qui velit — omnes autem parebunt, qui secundum naturam volent vivere — numquam committet, ut alienum appetat, et id, quod alteri detraxerit, sibi assumat. Etenim multo magis est secundum naturam excelsitas animi et magnitudo, itemque comitas, justitia, liberalitas, quam voluptas, quam vita, quam divitiae; quae quidem contemnere et pro nihilo ducere, comparantem cum utilitate communi, magni animi et excelsi est. [Detrahere autem de altero sui commodi causa, magis est contra naturam, quam mors, quam dolor, quam cetera generis ejusdem.] Itemque magis est secundum naturam, pro omnibus gentibus, si fieri possit, conservandis aut juvandis maximos labores molestiasque suscipere, imitantem Herculem illum, quem hominum fama, beneficiorum memor, in concilio caelestium collocavit, quam vivere in solitudine, non modo sine ullis molestiis sed etiam in maximis voluptatibus, abundantem omnibus copiis, ut excellas etiam pulchritudine et viribus. Quocirca optimo quisque et splendidissimo ingenio longe illam vitam huic anteponit. Ex quo efficitur, hominem naturae obedientem homini nocere non posse. Deinde qui alterum violat, ut ipse aliquid commodi consequatur, aut nihil existimat se facere contra naturam, aut magis fugienda censet mortem, paupertatem, dolorem, amissionem etiam liberorum, propinquorum, amicorum, quam facere cuiquam injuriam. Si nihil existimat contra naturam fieri hominibus violandis, quid cum eo disseras, qui omnino hominem ex homine tollat? sin fugiendum id quidem censet, sed multo illa pejora, mortem, paupertatem, dolorem, errat in eo, quod ullum aut corporis aut fortunae vitium vitiis animi gravius existumat.

VI. Ergo unum debet esse omnibus propositum, ut eadem sit utilitas uniuscujusque et universorum; quam si ad se quisque rapiet, dissolvetur omnis

humana consortio. Atque etiam, si hoc natura praescribit, ut homo homini, quicumque sit, ob eam ipsam causam, quod is homo sit, consultum velit, necesse est secundum eandem naturam omnium utilitatem esse communem. Quod si ita est, una continemur omnes et eadem lege naturae; idque ipsum si ita est, certe violare alterum naturae lege prohibemur. Verum autem primum, verum igitur extremum. Nam illud quidem absurdum est, quod quidam dicunt, parenti se aut fratri nihil detracturos sui commodi causa, aliam rationem esse civium reliquorum. Hi sibi nihil juris, nullam societatem communis utilitatis causa statuunt esse cum civibus; quae sententia omnem societatem distrahit civitatis. Qui autem civium rationem dicunt habendam, externorum negant, ii dirimunt communem humani generis societatem, qua sublata, beneficentia, liberalitas, bonitas, justitia funditus tollitur: quae qui tollunt, etiam adversus deos immortales impii judicandi sunt. Ab iis enim constitutam inter homines societatem evertunt; cujus societatis artissimum vinculum est, magis arbitrari esse contra naturam, hominem homini detrahere sui commodi causa, quam omnia incommoda subire vel externa, vel corporis, vel etiam ipsius animi, quae vacent justitia. Haec enim una virtus omnium est domina et regina virtutum. Forsitan quispiam dixerit: Nonne igitur sapiens, si fame ipse conficiatur, abstulerit cibum alteri, homini ad nullam rem utili? [Minime vero. Non enim mihi est vita mea utilior, quam animi talis affectio, neminem ut violem commodi mei gratia.] Quid? si Phalarim, crudelem tyrannum et immanem, vir bonus, ne ipse frigore conficiatur, vestitu spoliare possit, nonne faciat? Haec ad judicandum sunt facillima. Nam, si quid ab homine ad nullam partem utili, utilitatis tuae causa detraxeris, inhumane feceris contraque naturae legem; sin autem is tu sis, qui multam utilitatem rei publicae atque hominum societati, si in vita remaneas, afferre possis, si quid ob eam causam alteri

detraxeris, non sit reprehendendum. Sin autem id non sit ejus modi, suum cuique incommodum ferendum est potius, quam de alterius commodis detrahendum. Non igitur magis est contra naturam morbus aut egestas aut quid ejus modi, quam detractio atque appetitio alieni, sed communis utilitatis derelictio contra naturam est; est enim injusta. Itaque lex ipsa naturae, quae utilitatem hominum conservat et continet, decernit profecto, ut ab homine inerti atque inutili ad sapientem, bonum, fortem virum transferantur res ad vivendum necessariae, qui si occiderit, multum de communi utilitate detraxerit; modo hoc ita faciat, ut ne ipse de se bene existimans seseque diligens hanc causam habeat ad injuriam. Ita semper officio fungetur, utilitati consulens hominum, et ei quam saepe commemoro, humanae societati. Nam quod ad Phalarim attinet, perfacile judicium est. Nulla est enim societas nobis cum tyrannis, et potius summa distractio est; neque est contra naturam spoliare eum, si possis, quem est honestum necare, atque hoc omne genus pestiferum atque impium ex hominum communitate exterminandum est. Etenim, ut membra quaedam amputantur, si et ipsa sanguine et tamquam spiritu carere coeperunt et nocent reliquis partibus corporis, sic ista in figura hominis feritas et immanitas beluae a communi tamquam humanitatis corpore segreganda est. Hujus generis quaestiones sunt omnes eae, in quibus ex tempore officium exquiritur.

VII. Ejus modi igitur credo res Panaetium persecuturum fuisse, nisi aliqui casus aut occupatio ejus consilium peremisset. Ad quas ipsas consultationes superioribus libris satis multa praecepta sunt, ex quibus perspici possit, quid sit propter turpitudinem fugiendum, quid sit, quod idcirco fugiendum non sit, quod omnino turpe non sit. Sed quoniam operi inchoato, prope tamen absoluto, tamquam fastigium imponimus, ut geometrae solent non omnia docere, sed postulare, ut quaedam sibi concedantur, quo fa-

cilius, quae volunt, explicent, sic ego a te postulo, mi Cicero, ut mihi concedas, si potes, nihil, praeter id quod honestum sit, propter se esse expetendum. Sin hoc non licet per Cratippum, at illud certe dabis, quod honestum sit, id esse maxume propter se expetendum. Mihi utrumvis satis est, et tum hoc tum illud probabilius videtur, nec praeterea quicquam probabile. Ac primum in hoc Panaetius defendendus est, quod non utilia cum honestis pugnare aliquando posse dixerit — neque enim ei fas erat —, sed ea, quae viderentur utilia. Nihil vero utile, quod non idem honestum, nihil honestum, quod non idem utile sit, saepe testatur; negatque ullam pestem majorem in vitam hominum invasisse, quam eorum opinionem, qui ista distraxerint. Itaque non, ut aliquando anteponeremus utilia honestis, sed ut eam sine errore dijudicaremus, si quando incidisset, induxit eam, quae videretur esse, non quae esset, repugnantiam. Hanc igitur partem relictam explebimus, nullis adminiculis, sed, ut dicitur, Marte nostro. Neque enim quicquam est de hac parte post Panaetium explicatum, quod quidem mihi probaretur, de iis, quae in manus meas venerunt.

VIII. Quum igitur aliqua species utilitatis objecta est, commoveri necesse est: sed si, quum animum attenderis, turpitudinem videas adjunctam ei rei, quae speciem utilitatis attulerit, tum non utilitas relinquenda est, sed intelligendum, ubi turpitudo sit, ibi utilitatem esse non posse. Quod si nihil est tam contra naturam quam turpitudo — recta enim et convenientia et constantia natura desiderat, aspernaturque contraria — nihilque tam secundum naturam quam utilitas, certe in eadem re utilitas et turpitudo esse non potest. Itemque, si ad honestatem nati sumus eaque aut sola expetenda est, ut Zenoni visum est, aut certe omni pondere gravior habenda quam reliqua omnia, quod Aristoteli placet, necesse est, quod honestum sit, id esse aut solum aut summum bonum; quod autem bonum, id certe utile, ita,

quicquid honestum, id utile. Qua re error hominum non proborum, quum aliquid, quod utile visum est, arripuit, id continuo secernit ab honesto. Hinc sicae, hinc venena, hinc falsa testamenta nascuntur; hinc furta, peculatus, expilationes direptionesque sociorum et civium; hinc opum nimiarum potentiae non ferendae, postremo etiam in liberis civitatibus regnandi exsistunt cupiditates, quibus nihil nec taetrius, nec foedius excogitari potest. Emolumenta enim rerum fallacibus judiciis vident; poenam, non dico legum, quam saepe perrumpunt, sed ipsius turpitudinis, quae acerbissima est, non vident. Quam ob rem hoc quidem deliberantium genus pellatur e medio — est enim totum sceleratum et impium —, qui deliberant, utrum id sequantur, quod honestum esse videant, an se scientes scelere contaminent; in ipsa enim dubitatione facinus inest, etiam si ad id non pervenerint. Ergo ea deliberanda omnino non sunt, in quibus est turpis ipsa deliberatio. Atque etiam ex omni deliberatione celandi et occultandi spes opinioque removenda est; satis enim nobis, si modo in philosophia aliquid profecimus, persuasum esse debet, si omnes deos hominesque celare possimus, nihil tamen avare, nihil injuste, nihil libidinose, nihil incontinenter esse faciendum.

IX. Hinc ille Gyges inducitur a Platone, qui, quum terra discessisset magnis quibusdam imbribus, descendit in illum hiatum aeneumque equum, ut ferunt fabulae, animadvertit, cujus in lateribus fores essent: quibus apertis corpus hominis mortui vidit magnitudine invisitata, anulumque aureum in digito; quem ut detraxit, ipse induit — erat autem regius pastor —, tum in concilium se pastorum recepit. Ibi quum palam ejus anuli ad palmam converterat, a nullo videbatur, ipse autem omnia videbat; idem rursus videbatur, quum in locum anulum inverterat. Itaque hac opportunitate anuli usus, reginae stuprum intulit, eaque adjutrice regem dominum interemit, sustulit quos obstare arbitrabatur, nec in his eum facinoribus quisquam potuit videre: sic repente anuli

beneficio rex exortus est Lydiae. Hunc igitur ipsum anulum si habeat sapiens, nihilo plus sibi licere putet [peccare, quam si non haberet]; honesta enim bonis viris, non occulta quaeruntur. / Atque hoc loco philosophi quidam, minime mali illi quidem, sed non satis acuti, fictam et commenticiam fabulam prolatam dicunt a Platone; quasi vero ille aut factum id esse aut fieri potuisse defendat. Haec est vis hujus anuli et hujus exempli: si nemo sciturus, nemo ne suspicaturus quidem sit, quum aliquid divitiarum, potentiae, dominationis, libidinis causa feceris, si id dis hominibusque futurum sit semper ignotum, sisne facturus? Negant id fieri posse. Nequaquam potest id quidem; sed quaero, quod negant posse, id si posset, quidnam facerent? Urguent rustice sane, negant enim posse, et in eo perstant; hoc verbum quid valeat, non vident. Quum enim quaerimus, si celare possint, quid facturi sint, non quaerimus, possintne celare; sed tamquam tormenta quaedam adhibemus, ut, si responderint, se, impunitate proposita, facturos quod expediat, facinorosos se esse fateantur, si negent, omnia turpia per se ipsa fugienda esse concedant. Sed jam ad propositum revertamur.

X. Incidunt multae saepe causae, quae conturbent animos utilitatis specie; non, quum hoc deliberatur, relinquendane sit honestas propter utilitatis magnitudinem — nam id quidem improbum est —, sed illud, possitne id, quod utile videatur, fieri non turpiter. Quum Collatino collegae Brutus imperium abrogabat, poterat videri facere injuste; fuerat enim in regibus expellendis socius Bruti consiliorum et adjutor. Quum autem consilium hoc principes cepissent, cognationem Superbi nomenque Tarquiniorum et memoriam regni esse tollendam, quod erat utile, patriae consulere, id erat ita honestum, ut etiam ipsi Collatino placere deberet. Itaque utilitas valuit propter honestatem, sine qua ne utilitas quidem esse potuisset. At in eo rege, qui urbem condidit, non item. Species enim utilitatis animum pepulit ejus:

cui quum visum esset utilius, solum quam cum altero regnare, fratrem interemit. Omisit hic et pietatem et humanitatem, ut id, quod utile videbatur neque erat, assequi posset; et tamen muri causam opposuit, speciem honestatis nec probabilem nec sane idoneam. Peccavit igitur, pace vel Quirini vel Romuli dixerim. Nec tamen nostrae nobis utilitates omittendae sunt, aliisque tradendae, quum iis ipsi egeamus; sed suae cuique utilitati, quod sine alterius injuria fiat, serviendum est. Scite Chrysippus, ut multa, *Qui stadium*, inquit, *currit, eniti et contendere debet, quam maxume possit, ut vincat; supplantare eum, quicum certet, aut manu depellere nullo modo debet: sic in vita sibi quemque petere quod pertineat ad usum, non iniquum est; alteri deripere, jus non est.* Maxume autem perturbantur officia in amicitiis; quibus et non tribuere, quod recte possis, et tribuere, quod non sit aequum, contra officium est. Sed hujus generis totius breve et non difficile praeceptum est. Quae enim videntur utilia, honores, divitiae, voluptates, cetera generis ejusdem, haec amicitiae numquam anteponenda sunt. At neque contra rem publicam, neque contra jus jurandum ac fidem, amici causa, vir bonus faciet, ne si judex quidem erit de ipso amico; ponit enim personam amici, quum induit judicis. Tantum dabit amicitiae, ut veram amici causam esse malit, ut orandae litis tempus, quoad per leges liceat, accommodet. Quum vero jurato sententia dicenda erit, meminerit, deum se adhibere testem, id est, ut ego arbitror, mentem suam, qua nihil homini dedit deus ipse divinius. Itaque praeclarum a majoribus accepimus morem rogandi judicis, si eum teneremus, QUAE SALVA FIDE FACERE POSSIT. Haec rogatio ad ea pertinet, quae paulo ante dixi honeste amico a judice posse concedi. Nam si omnia facienda sint, quae amici velint, non amicitiae tales, sed conjurationes putandae sint. Loquor autem de communibus amicitiis; nam in sapientibus viris perfectisque nihil potest esse tale. Damonem et Phintiam, Pythagoreos, ferunt hoc animo

inter se fuisse, ut, quum eorum alteri Dionysius tyrannus diem necis destinavisset et is, qui morti addictus esset, paucos dies commendandorum suorum causa postulavisset, vas factus sit alter ejus sistendi; ut, si ille non revertisset, moriendum esset ipsi. Qui quum ad diem se recepisset, admiratus eorum fidem tyrannus petivit, ut se ad amicitiam tertium ascriberent. Quum igitur id, quod utile videtur in amicitia, cum eo, quod honestum est, comparatur, jaceat utilitatis species, valeat honestas. Quum autem in amicitia, quae honesta non sunt, postulabuntur, religio et fides anteponatur amicitiae: sic habebitur is, quem exquirimus, delectus officii.

XI. Sed utilitatis specie in re publica saepissime peccatur, ut in Corinthi disturbatione nostri: durius etiam Athenienses, qui sciverunt, ut Aeginetis, qui classe valebant, pollices praeciderentur. Hoc visum est utile; nimis enim imminebat, propter propinquitatem, Aegina Piraeo. Sed nihil quod crudele utile; est enim hominum naturae, quam sequi debemus, maxime inimica crudelitas. Male etiam qui peregrinos urbibus uti prohibent eosque exterminant, ut Pennus apud patres nostros, Papius nuper. Nam esse pro cive, qui civis non sit, rectum est non licere, quam legem tulerunt sapientissimi consules Crassus et Scaevola: usu vero urbis prohibere peregrinos sane inhumanum est. Illa praeclara, in quibus publicae utilitatis species prae honestate contemnitur. Plena exemplorum est nostra res publica, quum saepe, tum maxime bello Punico secundo; quae, Cannensi calamitate accepta, majores animos habuit, quam umquam rebus secundis: nulla timoris significatio, nulla mentio pacis. Tanta vis est honesti, ut speciem utilitatis obscuret. Athenienses quum Persarum impetum nullo modo possent sustinere statuerentque, ut urbe relicta, conjugibus et liberis Troezene depositis, naves conscenderent libertatemque Graeciae classe defenderent, Cyrsilum quemdam suadentem, ut in urbe manerent Xerxemque reciperent, lapidi-

bus obruerunt. Atqui ille utilitatem sequi videbatur; sed ea nulla erat repugnante honestate. Themistocles post victoriam ejus belli, quod cum Persis fuit, dixit in contione, se habere consilium rei publicae salutare, sed id sciri non opus esse: postulavit, ut aliquem populus daret, quicum communicaret; datus est Aristides. Huic ille, classem Lacedaemoniorum, quae subducta esset ad Gytheum, clam incendi posse; quo facto frangi Lacedaemoniorum opes necesse esset. Quod Aristides quum audisset, in contionem magna exspectatione venit dixitque, perutile esse consilium, quod Themistocles afferret, sed minime honestum. Itaque Athenienses, quod honestum non esset, id ne utile quidem putaverunt, totamque eam rem, quam ne audierant quidem, auctore Aristide repudiaverunt. Melius hi quam nos, qui piratas immunes, socios vectigales habemus.

XII. Maneat ergo, quod turpe sit, id numquam esse utile, ne tum quidem, quum id, quod utile esse putes, adipiscare; hoc enim ipsum, utile putare quod turpe sit, calamitosum est. Sed incidunt, ut supra dixi, saepe causae, quum repugnare utilitas honestati videatur, ut animadvertendum sit, repugnetne plane, an possit cum honestate conjungi. Ejus generis hae sunt quaestiones: Si, exempli gratia, vir bonus Alexandrea Rhodum magnum frumenti numerum advexerit in Rhodiorum inopia et fame summaque annonae caritate, si idem sciat, complures mercatores Alexandrea solvisse, navesque in cursu frumento onustas petentes Rhodum viderit, dicturusne sit id Rhodiis, an silentio suum quam plurimo venditurus? Sapientem et bonum virum fingimus: de ejus deliberatione et consultatione quaerimus, qui celaturus Rhodios non sit, si id turpe judicet, sed dubitet an turpe non sit. In hujus modi causis aliud Diogeni Babylonio videri solet, magno et gravi Stoico, aliud Antipatro, discipulo ejus, homini acutissimo: Antipatro, omnia patefacienda, ut ne quid omnino, quod venditor norit, emptor ignoret; Diogeni, venditorem, quatenus

jure civili constitutum sit, dicere vitia oportere, cetera sine insidiis agere, et, quoniam vendat, velle quam optume vendere. *Advexi, exposui, vendo meum non pluris quam ceteri, fortasse etiam minoris, quum major est copia: cui fit injuria?* Exoritur Antipatri ratio ex altera parte: *Quid ais? Tu, quum hominibus consulere debeas et servire humanae societati, eaque lege natus sis et ea habeas principia naturae, quibus parere et quae sequi debeas, ut utilitas tua communis sit utilitas vicissimque communis utilitas tua sit, celabis homines, quid iis adsit commoditatis et copiae?* Respondebit Diogenes fortasse sic: *Aliud est celare, aliud tacere; neque ego nunc te celo, si tibi non dico, quae natura deorum sit, qui sit finis bonorum, quae tibi plus prodessent cognita, quam tritici vilitas. Sed non, quicquid tibi audire utile est, id mihi dicere necesse est. Immo vero,* [inquiet ille,] *necesse est, si quidem meministi, esse inter homines natura conjunctam societatem. Memini,* inquiet ille, *sed num ista societas talis est, ut nihil suum cujusque sit? Quod si ita est, ne vendundum quidem quicquam est, sed donandum.*

XIII. Vides in hac tota disceptatione non illud dici, *quamvis hoc turpe sit, tamen, quoniam expedit, faciam,* sed ita expedire, ut turpe non sit, ex altera autem parte, ea re, quia turpe sit, non esse faciendum. Vendat aedes vir bonus propter aliqua vitia, quae ipse norit, ceteri ignorent; pestilentes sint, et habeantur salubres, [ignoretur, in omnibus cubiculis apparere serpentes,] male materiatae, ruinosae, sed hoc praeter dominum nemo sciat: quaero, si haec emptoribus venditor non dixerit aedesque vendiderit pluris multo, quam se venditurum putarit, num id injuste aut improbe fecerit? *Ille vero,* inquit Antipater. *Quid est enim aliud, erranti viam non monstrare, quod Athenis exsecrationibus publicis sanctum est, si hoc non est, emptorem pati ruere et per errorem in maximam fraudem incurrere? Plus etiam est, quam viam non monstrare; nam est scientem in errorem alterum inducere.* Diogenes contra: *Num te emere coegit, qui ne*

hortatus quidem est? Ille, quod non placebat, proscripsit, tu, quod placebat, emisti. Quod si qui proscribunt villam bonam beneque aedificatam, non existimantur fefellisse, etiam si illa nec bona est nec aedificata ratione, multo minus, qui domum non laudarunt. Ubi enim judicium emptoris est, ibi fraus venditoris quae potest esse? Sin autem dictum non omne praestandum est, quod dictum non est, id praestandum putas? Quid vero est stultius, quam venditorem ejus rei, quam vendat, vitia narrare? Quid autem tam absurdum, quam si domini jussu ita praeco praedicet: domum pestilentem vendo? Sic ergo in quibusdam causis dubiis ex altera parte defenditur honestas, ex altera ita de utilitate dicitur, ut id, quod utile videatur, non modo facere honestum sit, sed etiam non facere turpe. Haec est illa, quae videtur utilium fieri cum honestis saepe dissensio: quae dijudicanda est; non enim, ut quaereremus, exposuimus, sed ut explicaremus. Non igitur videtur nec frumentarius ille Rhodios, nec hic aedium venditor celare emptores debuisse. Neque enim id est celare, quicquid reticeas; sed quum, quod tu scias, id ignorare emolumenti tui causa velis eos, quorum intersit id scire. Hoc autem celandi genus quale sit, et cujus hominis, quis non videt? Certe non aperti, non simplicis, non ingenui, non justi, non viri boni; versuti potius, obscuri, astuti, fallacis, malitiosi, callidi, veteratoris, vafri. Haec tot et alia plura nonne inutile est vitiorum subire nomina?

XIV. Quod si vituperandi, qui reticuerunt, quid de iis existimandum est, qui orationis vanitatem adhibuerunt? C. Canius, eques Romanus, nec infacetus, et satis litteratus, quum se Syracusas otiandi, ut ipse dicere solebat, non negotiandi causa, contulisset, dictitabat, se hortulos aliquos emere velle, quo invitare amicos, et ubi se oblectare sine interpellatoribus posset. Quod quum percrebruisset, Pythius ei quidam, qui argentariam faceret Syracusis, venales quidem se hortos non habere, sed licere uti Canio, si vellet, ut suis; et simul ad cenam hominem in hortos

invitavit in posterum diem. Quum ille promisisset, tum Pythius, qui esset, ut argentarius, apud omnes ordines gratiosus, piscatores ad se convocavit, et ab iis petivit, ut ante suos hortulos postridie piscarentur, dixitque, quid eos facere vellet. Ad cenam tempori venit Canius: opipare a Pythio apparatum convivium, cumbarum ante oculos multitudo; pro se quisque, quod ceperat, afferebat; ante pedes Pythii pisces abjiciebantur. Tum Canius, *Quaeso*, inquit, *quid est hoc, Pythi? tantumne piscium? tantumne cumbarum?* Et ille, *Quid mirum?* inquit, *hoc loco est, Syracusis quicquid est piscium, hic aquatio; hac villa isti carere non possunt.* Incensus Canius cupiditate contendit a Pythio, ut venderet. Gravate ille primo. Quid multa? impetrat. Emit homo cupidus et locuples tanti, quanti Pythius voluit, et emit instructos. Nomina facit, negotium conficit. Invitat Canius postridie familiares suos, venit ipse mature, scalmum nullum videt. Quaerit ex proximo vicino, num feriae quaedam piscatorum essent, quod eos nullos videret? *Nullae, quod sciam*, ille inquit, *sed hic piscari nulli solent: itaque heri mirabar, quid accidisset.* Stomachari Canius, sed quid faceret? nondum enim C. Aquilius, collega et familiaris meus, protulerat de dolo malo formulas: in quibus ipsis, quum ex eo quaereretur, quid esset dolus malus, respondebat, quum esset aliud simulatum, aliud actum. Hoc quidem sane luculente, ut ab homine perito definiendi. Ergo et Pythius et omnes aliud agentes, aliud simulantes, perfidi, improbi, malitiosi. Nullum igitur eorum factum potest utile esse, quum sit tot vitiis inquinatum.

XV. Quod si Aquiliana definitio vera est, ex omni vita simulatio dissimulatioque tollenda est. Ita nec ut emat melius nec ut vendat, quicquam simulabit aut dissimulabit vir bonus. Atque iste dolus malus et legibus erat vindicatus, ut tutela duodecim tabulis, circumscriptio adolescentium lege Plaetoria, et sine lege judiciis, in quibus additur EX FIDE BONA. Re-

liquorum autem judiciorum haec verba maxime excellunt: in arbitrio rei uxoriae, MELIVS AEQVIVS; in fiducia, VT INTER BONOS BENE AGIER. Quid ergo? aut in eo, QVOD MELIVS AEQVIVS, potest ulla pars inesse fraudis? aut, quum dicitur INTER BONOS BENE AGIER, quicquam agi dolose aut malitiose potest? Dolus autem malus in simulatione, ut ait Aquilius, continetur. Tollendum est igitur ex rebus contrahendis omne mendacium. Non inlicitatorem venditor, non qui contra se liceatur, emptor apponet. Uterque, si ad eloquendum venerit, non plus quam semel eloquetur. Quintus quidem Scaevola, Publii filius, quum postulasset, ut sibi fundus, cujus emptor erat, semel indicaretur, idque venditor ita fecisset, dixit, se pluris aestumare: addidit centum milia. Nemo est, qui hoc viri boni fuisse neget: sapientis negant, ut si minoris quam potuisset vendidisset. Haec igitur est illa pernicies, quod alios bonos, alios sapientes existimant. Ex quo Ennius, *nequiquam sapere sapientem, qui ipse sibi prodesse non quiret.* Vere id quidem, si, quid esset *prodesse*, mihi cum Ennio conveniret. Hecatonem quidem Rhodium, discipulum Panaetii, video in iis libris, quos de officio scripsit Q. Tuberoni, dicere, *sapientis esse, nihil contra mores, leges, instituta facientem, habere rationem rei familiaris. Neque enim solum nobis divites esse volumus, sed liberis, propinquis, amicis, maxumeque rei publicae. Singulorum enim facultates et copiae divitiae sunt civitatis.* Huic Scaevolae factum, de quo paulo ante dixi, placere nullo modo potest. Etenim omnino tantum se negat facturum compendii sui causa, quod non liceat. Huic nec laus magna tribuenda nec gratia est. Sed, sive et simulatio et dissimulatio dolus malus est, perpaucae res sunt, in quibus non dolus malus iste versetur; sive vir bonus est is, qui prodest, quibus potest, nocet nemini, certe istum virum bonum non facile reperimus. Numquam igitur est utile peccare, quia semper est turpe; et, quia semper est honestum virum bonum esse, semper est utile.

XVI. Ac de jure quidem praediorum sanctum apud nos est jure civili, ut in iis vendendis vitia dicerentur, quae nota essent venditori. Nam, quum ex duodecim tabulis satis esset ea praestari, quae essent lingua nuncupata, quae qui infitiatus esset, dupli poenam subiret, a juris consultis etiam reticentiae poena est constituta. Quicquid enim esset in praedio vitii, id statuerunt, si venditor sciret, nisi nominatim dictum esset, praestari oportere. Ut, quum in arce augurium augures acturi essent, jussissentque Ti. Claudium Centumalum, qui aedes in Caelio monte habebat, demoliri ea, quorum altitudo officeret auspiciis, Claudius proscripsit insulam, emit P. Calpurnius Lanarius. Huic ab auguribus illud idem denuntiatum est. Itaque Calpurnius quum demolitus esset, cognossetque, Claudium aedes postea proscripsisse, quam esset ab auguribus demoliri jussus, arbitrum illum adegit, QVICQVID SIBI DARE, FACERE OPORTERET EX FIDE BONA. M. Cato sententiam dixit, hujus nostri Catonis pater. Ut enim ceteri ex patribus, sic hic, qui illud lumen progenuit, ex filio est nominandus. Is igitur judex ita pronuntiavit, quum in vendundo rem eam scisset, et non pronuntiasset, emptori damnum praestari oportere. Ergo ad fidem bonam statuit pertinere, notum esse emptori vitium, quod nosset venditor. Quod si recte judicavit, non recte frumentarius ille, non recte aedium pestilentium venditor tacuit. Sed hujus modi reticentiae jure civili omnes comprehendi non possunt: quae autem possunt, diligenter tenentur. M. Marius Gratidianus, propinquus noster, C. Sergio Oratae vendiderat aedes eas, quas ab eodem ipse paucis ante annis emerat. Eae serviebant, sed hoc in mancipio Marius non dixerat: adducta res in judicium est. Oratam Crassus, Gratidianum defendebat Antonius. Jus Crassus urguebat, *quod vitii venditor non dixisset sciens, id oportere praestari;* aequitatem Antonius, *quoniam id vitium ignotum Sergio non fuisset, qui illas aedes vendidisset, nihil fuisse necesse dici, nec*

rum esse deceptum, qui id, quod emerat, quo jure esset, teneret. Quorsus haec? Ut illud intelligas, non placuisse majoribus nostris astutos.

XVII. Sed aliter leges, aliter philosophi tollunt astutias: leges, quatenus manu tenere possunt, philosophi, quatenus ratione et intelligentia. Ratio ergo hoc postulat, ne quid insidiose, ne quid simulate, ne quid fallaciter. Suntne igitur insidiae tendere plagas, etiam si excitaturus non sis nec agitaturus? ipsae enim ferae nullo insequente saepe incidunt. Sic tu aedes proscribas, tabulam tamquam plagam ponas, [domum propter vitia vendas,] in eam aliquis incurrat imprudens? Hoc quamquam video propter depravationem consuetudinis neque more turpe haberi, neque aut lege sanciri aut jure civili, tamen naturae lege sanctum est. Societas est enim — quod, etsi saepe dictum est, dicendum est tamen saepius — latissime quidem quae pateat, omnium inter omnes; interior eorum, qui ejusdem gentis sunt; propior eorum, qui ejusdem civitatis. Itaque majores aliud jus gentium, aliud jus civile esse voluerunt: quod civile, non idem continuo gentium, quod autem gentium, idem civile esse debet. Sed nos veri juris germanaeque justitiae solidam et expressam effigiem nullam tenemus; umbra et imaginibus utimur. Eas ipsas utinam sequeremur! feruntur enim ex optimis naturae et veritatis exemplis. Nam quanti verba illa: VTI NE PROPTER TE FIDEMVE TVAM CAPTVS FRAVDATVSVE SIM! quam illa aurea: VT INTER BONOS BENE AGIER OPORTET ET SINE FRAVDATIONE! Sed, qui sint *boni*, et quid sit *bene agi*, magna quaestio est. Q. quidem Scaevola, pontifex maximus, summam vim esse dicebat in omnibus iis arbitriis, in quibus adderetur EX FIDE BONA; fideique bonae nomen existimabat manare latissime, idque versari in tutelis societatibus, fiduciis mandatis, rebus emptis venditis, conductis locatis, quibus vitae societas contineretur: in iis magni esse judicis statuere, praesertim quum in plerisque essent judicia contraria, quid quemque cuique praestare

oporteret. Quocirca astutiae tollendae sunt, eaque malitia, quae volt illa quidem videri se esse prudentiam, sed abest ab ea distatque plurimum: prudentia est enim locata in delectu bonorum et malorum; malitia, si omnia, quae turpia sunt, mala sunt, mala bonis ponit ante. Nec vero in praediis solum jus civile ductum a natura malitiam fraudemque vindicat, sed etiam in mancipiorum venditione venditoris fraus omnis excluditur. Qui enim scire debuit de sanitate, de fuga, de furtis, praestat edicto aedilium. Heredum alia causa est. Ex quo intelligitur, quoniam juris natura fons sit, hoc secundum naturam esse, neminem id agere, ut ex alterius praedetur inscitia. Nec ulla pernicies vitae major inveniri potest, quam in malitia simulatio intelligentiae; ex quo ista innumerabilia nascuntur, ut utilia cum honestis pugnare videantur. Quotus enim quisque reperietur, qui, impunitate et ignoratione omnium proposita, abstinere possit injuria?

XVIII. Periclitemur, si placet, et in iis quidem exemplis, in quibus peccari volgus hominum fortasse non putet. Neque enim de sicariis, veneficis, testamentariis, furibus, peculatoribus hoc loco disserendum est, qui non verbis sunt et disputatione philosophorum, sed vinclis et carcere fatigandi; sed haec consideremus, quae faciunt ii, qui habentur boni. L. Minucii Basili, locupletis hominis, falsum testamentum quidam e Graecia Romam attulerunt. Quod quo facilius obtinerent, scripserunt heredes secum M. Crassum et Q. Hortensium, homines ejusdem aetatis potentissimos: qui quum illud falsum esse suspicarentur, sibi autem nullius essent conscii culpae, alieni facinoris munusculum non repudiaverunt. Quid ergo? satin est hoc, ut non deliquisse videantur? Mihi quidem non videtur, quamquam alterum vivum amavi, alterum non odi mortuum. Sed quum Basilus M. Satrium, sororis filium, nomen suum ferre voluisset eumque fecisset heredem — hunc dico patronum agri Piceni et Sabini: o turpem notam temporum nomen

illorum! —, non erat aequum, principes civis rem habere, ad Satrium nihil praeter nomen pervenire. Etenim si is, qui non defendit injuriam, neque propulsat, quum potest, injuste facit, ut in primo libro disserui, qualis habendus est is, qui non modo non repellit, sed etiam adjuvat injuriam? Mihi quidem etiam verae hereditates non honestae videntur, si sunt malitiosis blanditiis, officiorum non veritate, sed simulatione quaesitae. Atqui in talibus rebus aliud utile interdum, aliud honestum videri solet. Falso; nam eadem utilitatis, quae honestatis, est regula. Qui hoc non perviderit, ab hoc nulla fraus aberit, nullum facinus. Sic enim cogitans, *Est istuc quidem honestum, verum hoc expedit*, res a natura copulatas audebit errore divellere; qui fons est fraudium, maleficiorum, scelerum omnium.

XIX. Itaque si vir bonus habeat hanc vim, ut, si digitis concrepuerit, possit in locupletium testamenta nomen ejus irrepere, hac vi non utatur, ne si exploratum quidem habeat, id omnino neminem umquam suspicaturum. At dares hanc vim M. Crasso, ut digitorum percussione heres posset scriptus esse, qui re vera non esset heres, in foro, mihi crede saltaret. Homo autem justus isque, quem sentimus virum bonum, nihil cuiquam, quod in se transferat, detrahet. Hoc qui admiratur, is se, quid sit vir bonus, nescire fateatur. At vero, si qui voluerit animi sui complicatam notionem evolvere, jam se ipse doceat, eum virum bonum esse, qui prosit, quibus possit, noceat nemini, nisi lacessitus injuria. Quid ergo? Hic non noceat, qui quodam quasi veneno perficiat, ut veros heredes moveat, in eorum locum ipse succedat? *Non igitur faciat*, dixerit quis, *quod utile sit, quod expediat?* Immo intelligat, nihil nec expedire nec utile esse, quod sit injustum. Hoc qui non didicerit, bonus vir esse non poterit. C. Fimbriam consularem audiebam de patre nostro puer judicem M. Lutatio Pinthiae fuisse, equiti Romano sane honesto, quum is sponsionem fecisset, NI VIR BONVS ESSET; itaque ei dixisse

Fimbriam, se illam rem numquam judicaturum, ne aut spoliaret fama probatum hominem, si contra judicavisset, aut statuisse videretur virum bonum esse aliquem, quum ea res innumerabilibus officiis et laudibus contineretur. Huic igitur viro bono, quem Fimbria etiam, non modo Socrates noverat, nullo modo videri potest quicquam esse utile, quod non honestum sit. Itaque talis vir non modo facere, sed ne cogitare quidem quicquam audebit, quod non audeat praedicare. Haec non turpe est dubitare philosophos, quae ne rustici quidem dubitent? a quibus natum est id, quod jam contritum est vetustate. proverbium: quum enim fidem alicujus bonitatemque laudant, dignum esse dicunt, quicum in tenebris mices. Hoc quam habet vim, nisi illam, nihil expedire, quod non deceat, etiam si id possis nullo refellente obtinere? Videsne, hoc proverbio neque Gygi illi posse veniam dari neque huic, quem paulo ante fingebam digitorum percussione hereditates omnium posse converrere? Ut enim, quod turpe est, id, quamvis occultetur, tamen honestum fieri nullo modo potest, sic, quod honestum non est, id utile ut sit, effici non potest, adversante et repugnante natura.

XX. At enim, quum permagna praemia sunt, est causa peccandi. C. Marius, quum a spe consulatus longe abesset, et jam septimum annum post praeturam jaceret, neque petiturus umquam consulatum videretur, Q. Metellum, cujus legatus erat, summum virum et civem, quum ab eo, imperatore suo, Romam missus esset, apud populum Romanum criminatus est, bellum illum ducere; si se consulem fecissent, brevi tempore aut vivum aut mortuum Jugurtham se in potestatem populi Romani redacturum. Itaque factus est ille quidem consul, sed a fide justitiaque discessit, qui optimum et gravissimum civem, cujus legatus, et a quo missus esset, in invidiam falso crimine adduxerit. Ne noster quidem Gratidianus officio viri boni functus est tum, quum praetor esset, collegiumque praetorium tribuni plebi adhibuissent, ut res nummaria de com-

omni sententia constitueretur; jactabatur enim temporibus illis nummus sic, ut nemo posset scire, quid haberet. Conscripserunt communiter edictum cum poena atque judicio, constitueruntque, ut omnes simul in rostra post meridiem escenderent. Et ceteri quidem alius alio: Marius ab subselliis in rostra recta, idque, quod communiter compositum fuerat, solus edixit. Et ea res, si quaeris, ei magno honori fuit: omnibus vicis statuae; ad eas tus, cerei. Quid multa? nemo umquam multitudini fuit carior. Haec sunt, quae conturbent in deliberatione nonnumquam, quum id, in quo violatur aequitas, non ita magnum, illud autem, quod ex eo paritur, permagnum videtur: ut Mario, praeripere collegis et tribunis plebi popularem gratiam, non ita turpe; consulem ob eam rem fieri, quod sibi tum proposuerat, valde utile videbatur. Sed omnium una regula est, quam tibi cupio esse notissimam: aut illud, quod utile videtur, turpe ne sit, aut, si turpe est, ne videatur esse utile. Quid igitur? possumusne aut illum Marium virum bonum judicare, aut hunc? Explica atque excute intelligentiam tuam, ut videas, quae sit in ea species [forma] et notio viri boni. Cadit ergo in virum bonum mentiri emolumenti sui causa, criminari, praeripere, fallere? Nihil profecto minus. Est ergo ulla res tanti, aut commodum ullum tam expetendum, ut viri boni et splendorem et nomen amittas? Quid est, quod afferre tantum utilitas ista, quae dicitur, possit, quantum auferre, si boni viri nomen eripuerit, fidem justitiamque detraxerit? Quid enim interest, utrum ex homine se convertat quis in beluam, an hominis figura immanitatem gerat beluae?

XXI. Quid? qui omnia recta et honesta negligunt, dummodo potentiam consequantur, nonne idem faciunt, quod is, qui etiam socerum habere voluit eum, cujus ipse audacia potens esset? Utile ei videbatur plurimum posse alterius invidia. Id quam injustum in patriam et quam turpe esset, non videbat. Ipse

autem socer in ore semper Graecos versus de Phoenissis habebat, quos dicam ut potero, incondite fortasse, sed tamen ut res possit intelligi:

Nam si violandum est jus, regnandi gratia
Violandum est: aliis rebus pietatem colas.

Capitalis [Eteocles, vel potius Euripides], qui id unum, quod omnium sceleratissimum fuerit, exceperit. Quid igitur minuta colligimus, hereditates, mercaturas, venditiones fraudulentas? Ecce tibi, qui rex populi Romani dominusque omnium gentium esse concupiverit idque perfecerit. Hanc cupiditatem si honestam quis esse dicit, amens est; probat enim legum et libertatis interitum, earumque oppressionem, taetram et detestabilem, gloriosam putat. Qui autem fatetur, honestum non esse in ea civitate, quae libera fuit, quaeque esse debeat, regnare, sed ei, qui id facere possit, esse utile, qua hunc objurgatione aut quo potius convitio a tanto errore coner avellere? Potest enim, di immortales! cuiquam esse utile foedissimum et taeterrimum parricidium patriae, quamvis is, qui se eo obstrinxerit, ab oppressis civibus parens nominetur? Honestate igitur dirigenda utilitas est, et quidem sic, ut haec duo, verbo inter se discrepare, re unum sonare videantur. Non habeo, ad volgi opinionem, quae major utilitas quam regnandi esse possit; nihil contra inutilius ei, qui id injuste consecutus sit, invenio, quum ad veritatem coepi revocare rationem. Possunt enim cuiquam esse utiles angores, sollicitudines, diurni et nocturni metus, vita insidiarum periculorumque plenissima?

Multi iniqui atque infideles regno, pauci benevoli,

inquit Accius. At cui regno? quod a Tantalo et Pelope proditum jure obtinebatur. Nam quanto plures ei regi putas, qui exercitu populi Romani populum ipsum Romanum oppressisset, civitatemque non modo

liberam, sed etiam gentibus imperantem, servire sibi coegisset? Hunc tu quas conscientiae labes in animo censes habuisse, quae vulnera? Cujus autem vita ipsi potest utilis esse, quum ejus vitae ea conditio sit, ut, qui illam eripuerit, in maxima et gratia futurus sit et gloria? Quod si haec utilia non sunt, quae maxime videntur, quia plena sunt dedecoris ac turpitudinis, satis persuasum esse debet nihil esse utile, quod non honestum sit.

XXII. Quamquam id quidem, quum saepe alias, tum Pyrrhi bello a C. Fabricio, consule iterum, et a senatu nostro judicatum est. Quum enim rex Pyrrhus populo Romano bellum ultro intulisset, quumque de imperio certamen esset cum rege generoso ac potenti, perfuga ab eo venit in castra Fabricii, eique est pollicitus, si praemium sibi proposuisset, se, ut clam venisset, sic [clam] in Pyrrhi castra rediturum et eum veneno necaturum. Hunc Fabricius reducendum curavit ad Pyrrhum, idque ejus factum laudatum a senatu est. Atqui, si speciem utilitatis opinionemque quaerimus, magnum illud bellum perfuga unus et gravem adversarium imperii sustulisset; sed magnum dedecus et flagitium, quicum laudis certamen fuisset, eum non virtute, sed scelere superatum. Utrum igitur utilius vel Fabricio, qui talis in hac urbe, qualis Aristides Athenis fuit, vel senatui nostro, qui numquam utilitatem a dignitate sejunxit, armis cum hoste certare, an venenis? Si gloriae causa imperium expetundum est, scelus absit, in quo non potest esse gloria: sin ipsae opes expetuntur quoquo modo, non poterunt utiles esse cum infamia. Non igitur utilis illa L. Philippi, Q. f., sententia: quas civitates L. Sulla, pecunia accepta, ex senatus consulto liberavisset, ut eae rursus vectigales essent, neque iis pecuniam, quam pro libertate dederant, redderemus. Ei senatus est assensus. Turpe imperio! piratarum enim melior fides, quam senatus. *At aucta vectigalia: utile igitur.* Quousque audebunt dicere quicquam utile, quod non honestum? Potest autem

ulli imperio, quod gloria debet fultum esse et benevolentia sociorum, utile esse odium et infamia? Ego etiam cum Catone meo saepe dissensi. Nimis mihi praefracte videbatur aerarium vectigaliaque defendere, omnia publicanis negare, multa sociis; quum in hos benefici esse deberemus, cum illis sic agere, ut cum colonis nostris soleremus, eoque magis, quod illa ordinum conjunctio ad salutem rei publicae pertinebat. Male etiam Curio, quum causam Transpadanorum aequam esse dicebat, semper autem addebat, *Vincat utilitas!* Potius diceret non esse aequam, quia non esset utilis rei publicae, quam, quum non utilem diceret, esse aequam fateretur.

XXIII. Plenus est sextus liber de officiis Hecatonis talium quaestionum, sitne boni viri, in maxima caritate annonae, familiam non alere. In utramque partem disputat; sed tamen ad extremum utilitate, ut putat, officium dirigit magis quam humanitate. Quaerit, si in mari jactura facienda sit, equine pretiosi potius jacturam faciat, an servoli vilis. Hic alio res familiaris, alio ducit humanitas. *Si tabulam de naufragio stultus arripuerit, extorquebitne eam sapiens, si potuerit?* Negat, quia sit injurium. *Quid dominus navis? eripietne suum?* Minime, non plus, quam navigantem in alto ejicere de navi velit, quia sua sit. Quoad enim perventum est eo, quo sumpta navis est, non domini est navis, sed navigantium. *Quid? si una tabula sit, duo naufragi, eique sapientes, sibine uterque rapiat, an alter cedat alteri?* Cedat vero; sed ei, cujus magis intersit vel sua vel rei publicae causa, vivere. *Quid? si haec paria in utroque?* Nullum erit certamen, sed, quasi sorte aut micando victus, alteri cedet alter. *Quid? si pater fana expilet, cuniculos agat ad aerarium, indicetne id magistratibus filius?* Nefas id quidem est: quin etiam defendat patrem, si arguatur. *Non igitur patria praestat omnibus officiis?* Immo vero; sed ipsi patriae conducit, pios habere cives in parentes. *Quid? si tyrannidem occupare, si patriam prodere conabitur pater, silebitne filius?* Immo

vero obsecrabit patrem, ne id faciat. Si nihil proficiet, accusabit, minabitur etiam; ad extremum, si ad perniciem patriae res spectabit, patriae salutem anteponet saluti patris. Quaerit etiam, si sapiens adulterinos nummos acceperit imprudens pro bonis, quum id rescierit, soluturusne sit eos, si cui debeat, pro bonis. Diogenes ait; Antipater negat, cui potius assentior. *Qui vinum fugiens vendat sciens, debeatne dicere.* Non necesse putat Diogenes; Antipater viri boni existimat. Haec sunt quasi controversa jura Stoicorum. *In mancipio vendundo dicendane vitia; non ea, quae nisi dixeris, redhibeatur mancipium jure civili, sed haec, mendacem esse, aleatorem, furacem, ebriosum.* Alteri dicenda videntur, alteri non videntur. *Si quis aurum vendens, orichalcum se putet vendere, indicetne ei vir bonus, aurum illud esse, an emat denario, quod sit mille denarium.* Perspicuum est jam, et quid mihi videatur, et quae sit inter eos philosophos, quos nominavi, controversia.

XXIV. Pacta et promissa semperne servanda sint, QVAE NEC VI NEC DOLO MALO, ut praetores solent, FACTA SINT. Si quis medicamentum cuipiam dederit ad aquam intercutem, pepigeritque, si eo medicamento sanus factus esset, ne illo medicamento umquam postea uteretur; si eo medicamento sanus factus sit, et annis aliquot post inciderit in eundem morbum, nec ab eo, quicum pepigerat, impetret, ut iterum eo liceat uti, quid faciendum sit. Quum sit is inhumanus, qui non concedat, nec ei quicquam fiat injuriae, vitae et saluti consulendum. Quid? si qui sapiens rogatus sit ab eo, qui eum heredem faciat, quum ei testamento sestertium milies relinquatur, ut ante quam hereditatem adeat luce palam in foro saltet, idque se facturum promiserit, quod aliter heredem eum scripturus ille non esset, faciat, quod promiserit, necne? Promisisset nollem, et id arbitror fuisse gravitatis. Quoniam promisit, si saltare in foro turpe ducet, honestius mentietur, si ex hereditate nihil ceperit, quam si ceperit; nisi forte eam pecuniam in rei publicae magnum aliquod tempus

contulerit, ut vel saltare, quum patriae consulturus sit, turpe non sit.

XXV. Ac ne illa quidem promissa servanda sunt, quae non sunt iis ipsis utilia, quibus illa promiseris. Sol Phaethonti filio, ut redeamus ad fabulas, facturum se esse dixit, quicquid optasset. Optavit ut in currum patris tolleretur; sublatus est; atque is antequam constitit, ictu fulminis deflagravit. Quanto melius fuerat, in hoc promissum patris non esse servatum! [Quid? quod Theseus exegit promissum a Neptuno? Cui quum tres optationes Neptunus dedisset, optavit interitum Hippolyti filii, quum is patri suspectus esset de noverca: quo optato impetrato, Theseus in maximis fuit luctibus.] Quid? Agamemnon quum devovisset Dianae, quod in suo regno pulcherrimum natum esset illo anno, immolavit Iphigeniam, qua nihil erat eo quidem anno natum pulchrius. Promissum potius non faciendum, quam tam taetrum facinus admittendum fuit. Ergo et promissa non facienda nonnumquam, neque semper deposita reddenda. Si gladium quis apud te sana mente deposuerit, repetat insaniens, reddere peccatum sit, officium non reddere. Quid? si is, qui apud te pecuniam deposuerit, bellum inferat patriae, reddasne depositum? Non credo; facias enim contra rem publicam, quae debet esse carissima. Sic multa, quae honesta natura videntur esse, temporibus fiunt non honesta. Facere promissa, stare conventis, reddere deposita, commutata utilitate, fiunt non honesta. Ac de iis quidem, quae videntur esse utilitates contra justitiam simulatione prudentiae, satis arbitror dictum.

Sed quoniam a quattuor fontibus honestatis primo libro officia duximus, in eisdem versemur, quum docebimus, ea, quae videantur esse utilia, neque sint, quam sint virtutis inimica. [Ac de prudentia quidem, quam volt imitari malitia, itemque de justitia, quae semper est utilis, disputatum est. Reliquae sunt duae partes honestatis, quarum altera in animi excellentis magnitudine et praestantia cernitur, altera in

conformatione et moderatione continentiae et temperantiae.]

XXVI. Utile videbatur Ulixi, ut quidem poetae tragici prodiderunt — nam apud Homerum, optimum auctorem, talis de Ulixe nulla suspitio est — sed insimulant eum tragoediae, simulatione insaniae militiam subterfugere voluisse: non honestum consilium. *At utile,* [ut aliquis fortasse dixerit,] *regnare et Ithacae vivere otiose cum parentibus, cum uxore, cum filio. Ullum tu decus in quotidianis laboribus et periculis cum hac tranquillitate conferendum putas?* Ego vero istam contemnendam et abjiciendam, quoniam, quae honesta non sit, ne utilem quidem esse arbitror. Quid enim auditurum putas fuisse Ulixem, si in illa simulatione perseveravisset? qui, quum maximas res gesserit in bello, tamen haec audiat ab Ajace:

Cujus ipse princeps juris jurandi fuit,
Quod omnes scitis, solus neglexit fidem.
Furere assimulare, ne coiret, institit.
Quod ni Palamedi perspicax prudentia
Istius percepset malitiosam audaciam,
Fide sacratae jus perpetuo falleret.

Illi vero non modo cum hostibus, verum etiam cum fluctibus, id quod fecit, dimicare melius fuit, quam deserere consentientem Graeciam ad bellum barbaris inferendum. Sed omittamus et fabulas et externa: ad rem factam nostramque veniamus. M. Atilius Regulus, quum consul iterum in Africa ex insidiis captus esset, duce Xanthippo Lacedaemonio, imperatore autem patre Hannibalis Hamilcare, juratus missus est ad senatum, ut, nisi redditi essent Poenis captivi nobiles quidam, rediret ipse Karthaginem. Is quum Romam venisset, utilitatis speciem videbat, sed eam, ut res declarat, falsam judicavit; quae erat talis: manere in patria, esse domui suae cum uxore, cum liberis, quam calamitatem accepisset in bello, communem fortunae bellicae judicantem, tenere consularis dignitatis gradum. Quis haec negat esse utilia? quem censes? Magnitudo animi et fortitudo negat.

XXVII. Num locupletiores quaeris auctores? Harum enim est virtutum proprium, nihil extimescere, omnia humana despicere, nihil, quod homini accidere possit, intolerandum putare. Itaque quid fecit? In senatum venit, mandata exposuit, sententiam ne diceret recusavit, *quam diu jure jurando hostium teneretur, non esse se senatorem.* Atque illud etiam — *O stultum hominem*, dixerit quispiam, *et repugnantem utilitati suae!* — reddi captivos, negavit esse utile; illos enim adolescentes esse et bonos duces, se jam confectum senectute. Cujus quum valuisset auctoritas, captivi retenti sunt, ipse Karthaginem rediit; neque eum caritas patriae retinuit, nec suorum. Neque vero tum ignorabat, se ad crudelissimum hostem et ad exquisita supplicia proficisci, sed jus jurandum conservandum putabat. Itaque tum, quum vigilando necabatur, erat in meliore causa quam si domi senex captivus, perjurus consularis remansisset. *At stulte, qui non modo non censuerit captivos remittendos, verum etiam dissuaserit.* Quo modo stulte? etiamne, si rei publicae conducebat? potest autem, quod inutile rei publicae sit, id cuiquam civi utile esse?

XXVIII. Pervertunt homines ea, quae sunt fundamenta naturae, quum utilitatem ab honestate sejungunt. Omnes enim expetimus utilitatem ad eamque rapimur, nec facere aliter ullo modo possumus. Nam quis est, qui utilia fugiat? aut quis potius, qui ea non studiosissime persequatur? Sed quia nusquam possumus, nisi in laude, decore, honestate utilia reperire, propterea illa prima et summa habemus; utilitatis nomen non tam splendidum quam necessarium ducimus. Quid est igitur, dixerit quis, in jure jurando? Num iratum timemus Jovem? At hoc quidem commune est omnium philosophorum, non eorum modo, qui deum nihil habere ipsum negotii dicunt, nihil exhibere alteri, sed eorum etiam, qui deum semper agere aliquid et moliri volunt, numquam nec irasci deum nec nocere. Quid autem iratus Juppiter plus nocere potuisset, quam nocuit sibi ipse

Regulus? Nulla igitur vis fuit religionis, quae tantam utilitatem perverteret. An ne turpiter faceret? Primum, *minima de malis.* Num igitur tantum mali turpitudo ista habebat, quantum ille cruciatus? Deinde illud etiam apud Accium,

Fregistin' fidem?
Neque dedi, neque do infideli cuiquam,

quamquam ab impio rege dicitur, luculente tamen dicitur. Addunt etiam, quemadmodum nos dicamus, videri quaedam utilia, quae non sint, sic se dicere, videri quaedam honesta, quae non sint: *ut hoc ipsum videtur honestum, conservandi juris jurandi causa ad cruciatum revertisse, sed fit non honestum, quia, quod per vim hostium esset actum, ratum esse non debuit.* Addunt etiam, quicquid valde utile sit, id fieri honestum, etiam si antea non videretur. Haec fere contra Regulum: sed prima videamus.

XXIX. *Non fuit Juppiter metuendus, ne iratus noceret, qui neque irasci solet nec nocere.* Haec quidem ratio non magis contra Reguli, quam contra omne jus jurandum valet. Sed in jure jurando, non qui metus sed quae vis sit, debet intelligi. Est enim jus jurandum affirmatio religiosa: quod autem affirmate, quasi deo teste, promiseris, id tenendum est. Jam enim non ad iram deorum, quae nulla est, sed ad justitiam et ad fidem pertinet. Nam praeclare Ennius:

O Fides alma apta pinnis et jus jurandum Jovis!

Qui jus igitur jurandum violat, is Fidem violat, quam in Capitolio vicinam Jovis Optimi Maximi, ut in Catonis oratione est, majores nostri esse voluerunt. *At enim ne iratus quidem Juppiter plus Regulo nocuisset, quam sibi nocuit ipse Regulus.* Certe, si nihil malum esset, nisi dolere. Id autem non modo [non] summum malum, sed ne malum quidem esse, maxima

auctoritate philosophi affirmant. Quorum quidem testem non mediocrem, sed haud scio an gravissimum, Regulum nolite, quaeso, vituperare. Quem enim locupletiorem quaerimus, quam principem populi Romani, qui retinendi officii causa cruciatum subierit voluntarium? Nam quod aiunt, *minima de malis*, id est, ut turpiter potius, quam calamitose, an est ullum majus malum turpitudine? quae si in deformitate corporis habet aliquid offensionis, quanta illa depravatio et foeditas turpificati animi debet videri? Itaque nervosius qui ista disserunt, solum audent malum dicere id, quod turpe sit; qui autem remissius, ii tamen non dubitant summum malum dicere. Nam illud quidem,

Neque dedi, neque do infideli cuiquam,

idcirco recte a poeta, quia, quum tractaretur Atreus, personae serviendum fuit. Sed si hoc sibi sument, nullam esse fidem, quae infideli data sit, videant, ne quaeratur latebra perjurio. [Est autem jus etiam bellicum, fidesque juris jurandi saepe cum hoste servanda.] Quod enim ita juratum est, ut mens conciperet fieri oportere, id servandum est; quod aliter, id si non fecerit, nullum est perjurium. Ut, si praedonibus pactum pro capite pretium non attuleris, nulla fraus est, ne si juratus quidem id non feceris. Nam pirata non est ex perduellium numero definitus, sed communis hostis omnium: cum hoc nec fides debet nec jus jurandum esse commune. Non enim falsum jurare perjurare est; sed, quod EX ANIMI TVI SENTENTIA juraris, sicut verbis concipitur more nostro, id non facere, perjurium est. Scite enim Euripides:

Juravi lingua, mentem injuratam gero.

Regulus vero non debuit conditiones pactionesque bellicas et hostiles perturbare perjurio. Cum justo enim et legitimo hoste res gerebatur, adversus quem

et totum jus fetiale et multa sunt jura communia. Quod ni ita esset, numquam claros viros senatus vinctos hostibus dedidisset.

XXX. At vero T. Veturius et Sp. Postumius, quum iterum consules essent, quia, quum male pugnatum apud Caudium esset, legionibus nostris sub jugum missis pacem cum Samnitibus fecerant, dediti sunt iis; injussu enim populi senatusque fecerant. Eodemque tempore Ti. Numicius, Q. Maelius, qui tum tribuni pl. erant, quod eorum auctoritate pax erat facta, dediti sunt, ut pax Samnitium repudiaretur. Atque hujus deditionis ipse Postumius, qui dedebatur, suasor et auctor fuit. Quod idem multis annis post C. Mancinus, qui ut Numantinis, quibuscum sine senatus auctoritate foedus fecerat, dederetur, rogationem suasit eam, quam L. Furius, Sex. Atilius ex senatus consulto ferebant: qua accepta, est hostibus deditus. Honestius hic quam Q. Pompeius, quo, quum in eadem causa esset, deprecante, accepta lex non est. Hic ea, quae videbatur utilitas, plus valuit quam honestas; apud superiores utilitatis species falsa ab honestatis auctoritate superata est. *At non debuit ratum esse, quod erat actum per vim.* Quasi vero forti viro vis possit adhiberi. *Cur igitur ad senatum proficiscebatur, quum praesertim de captivis dissuasurus esset?* Quod maximum in eo est, id reprehenditis. Non enim suo judicio stetit, sed suscepit causam, ut esset judicium senatus: cui nisi ipse auctor fuisset, captivi profecto Poenis redditi essent. Ita incolumis in patria Regulus restitisset. Quod quia patriae non utile putavit, idcirco sibi honestum et sentire illa et pati credidit. Nam quod aiunt, quod valde utile sit, id fieri honestum, immo vero esse, non fieri. Est enim nihil utile, quod idem non honestum; nec, quia utile, honestum, sed, quia honestum, utile. Quare ex multis mirabilibus exemplis, haud facile quis dixerit hoc exemplo aut laudabilius aut praestantius.

XXXI. Sed ex tota hac laude Reguli unum illud

est admiratione dignum, quod captivos retinendos censuit. Nam quod rediit, nobis nunc mirabile videtur; illis quidem temporibus aliter facere non potuit. Itaque ista laus non est hominis, sed temporum. Nullum enim vinculum ad astringendam fidem jure jurando majores artius esse voluerunt. Id indicant leges in duodecim tabulis, indicant sacratae, indicant foedera, quibus etiam cum hoste devincitur fides, indicant notiones animadversionesque censorum, qui nulla de re diligentius quam de jure jurando judicabant. L. Manlio, A. f., quum dictator fuisset, M. Pomponius tribunus plebis diem dixit, quod is paucos sibi dies ad dictaturam gerendam addidisset; criminabatur etiam, quod Titum filium, qui postea est Torquatus appellatus, ab hominibus relegasset et ruri habitare jussisset. Quod quum audivisset adolescens filius, negotium exhiberi patri, accurrisse Romam et cum prima luce Pomponii domum venisse dicitur. Cui quum esset nuntiatum, qui illum iratum allaturum ad se aliquid contra patrem arbitraretur, surrexit e lectulo, remotisque arbitris, ad se adolescentem jussit venire. At ille, ut ingressus est, confestim gladium destrinxit, juravitque, se illum statim interfecturum, nisi jus jurandum sibi dedisset, se patrem missum esse facturum. Juravit hoc terrore coactus Pomponius: rem ad populum detulit, docuit, cur sibi causa desistere necesse esset, Manlium missum fecit. Tantum temporibus illis jus jurandum valebat. [Atque hic T. Manlius is est, qui ad Anienem Galli, quem ab eo provocatus occiderat, torque detracto cognomen invenit, cujus tertio consulatu Latini ad Veserim fusi et fugati; magnus vir in primis, et qui perindulgens in patrem, idem acerbe severus in filium.]

XXXII. Sed, ut laudandus Regulus in conservando jure jurando, sic decem illi, quos post Cannensem pugnam juratos ad senatum misit Hannibal, se in castra redituros ea, quorum erant potiti Poeni, nisi de redimendis captivis impetravissent, si non redierunt, vituperandi. De quibus non omnes uno modo. Nam

Polybius, bonus auctor in primis, ex decem nobilissimis, qui tum erant missi, *unum, qui* egressus e castris redisset, quasi aliquid esset oblitus, Romae remansisse. Reditu enim in castra liberatum se esse jure jurando interpretabatur, non recte; fraus enim astringit, non dissolvit perjurium. Fuit igitur stulta calliditas, perverse imitata prudentiam. Itaque decrevit senatus, ut ille veterator et callidus vinctus ad Hannibalem duceretur. [Sed illud maxumum. Octo hominum milia tenebat Hannibal, non quos in acie cepisset, aut qui periculo mortis diffugissent, sed qui relicti in castris fuissent a Paulo et a Varrone consulibus. Eos senatus non censuit redimendos, quum id parva pecunia fieri posset, ut esset insitum militibus nostris aut vincere, aut emori. Qua quidem re audita, fractum animum Hannibalis scribit idem, quod senatus populusque Romanus rebus afflictis tam excelso animo fuisset. Sic honestatis comparatione ea, quae videntur utilia, vincuntur.] Acilius autem, qui Graece scripsit historiam, plures ait fuisse, qui in castra revertissent eadem fraude, ut jure jurando liberarentur, eosque a censoribus omnibus ignominiis notatos. Sit jam hujus loci finis. Perspicuum est enim ea, quae timido animo, humili, demisso fractoque fiant, quale fuisset Reguli factum, si aut de captivis, quod ipsi opus esse videretur, non quod rei publicae, censuisset aut domi remanere voluisset, non esse utilia, quia sint flagitiosa, foeda, turpia.

XXXIII. Restat quarta pars, quae decore, moderatione, modestia, continentia, temperantia continetur. Potest igitur quicquam utile esse, quod sit huic talium virtutum choro contrarium? Atqui ab Aristippo Cyrenaici, atque Annicerii philosophi nominati, omne bonum in voluptate posuerunt virtutemque censuerunt ob eam rem esse conlaudandam, quod efficiens esset voluptatis: quibus obsoletis floret Epicurus, ejusdem fere adjutor auctorque sententiae. Cum his viris equisque, ut dicitur, si honestatem tueri ac retinere sententia est, decertandum est.

Nam si non modo utilitas, sed vita omnis beata, corporis firma constitutione ejusque constitutionis spe explorata, ut a Metrodoro scriptum est, continetur, certe haec utilitas, et quidem summa — sic enim censent — cum honestate pugnabit. Nam ubi primum prudentiae locus dabitur? an, ut conquirat undique suavitates? Quam miser virtutis famulatus, servientis voluptati! Quod autem munus prudentiae? an legere intelligenter voluptates? Fac nihil isto esse jucundius; quid cogitari potest turpius? Jam, qui dolorem summum malum judicat, apud eum quem habet locum fortitudo, quae est dolorum laborumque contemptio? Quamvis enim multis locis dicat Epicurus, sicuti dicit, satis fortiter de dolore, tamen non id spectandum est, quid dicat, sed, quid consentaneum sit ei dicere, qui bona voluptate terminaverit, mala dolore: ut, si illum audiam de continentia et temperantia, dicit ille quidem multa multis locis, sed aqua haeret, ut aiunt. Nam qui potest temperantiam laudare is, qui ponat summum bonum in voluptate? est enim temperantia libidinum inimica, libidines autem consectatrices voluptatis. Atque in his tamen tribus generibus, quoquo modo possunt, non incallide tergiversantur. Prudentiam introducunt, scientiam suppeditantem voluptates, depellentem dolores. Fortitudinem quoque aliquo modo expediunt, quum tradunt, rationem negligendae mortis, perpetiendi doloris. Etiam temperantiam inducunt, non facillime illi quidem, sed tamen quoquo modo possunt. Dicunt enim, voluptatis magnitudinem doloris detractione finiri. Justitia vacillat vel jacet potius, omnesque eae virtutes, quae in communitate cernuntur et in societate generis humani. Neque enim bonitas, nec liberalitas, nec comitas esse potest, non plus quam amicitia, si haec non per se expetantur, sed ad voluptatem utilitatemve referantur. Conferamus igitur in pauca. Nam ut utilitatem nullam esse docuimus, quae honestati esset contraria, sic omnem voluptatem dicimus honestati esse contrariam. Quo magis reprehendendos

Calliphontem et Dinomachum judico, qui se dirempturos controversiam putaverunt, si cum honestate voluptatem, tamquam cum homine pecudem, copulavissent. Non recipit istam conjunctionem honestas; aspernatur, repellit. Nec vero finis bonorum [et malorum], qui simplex esse debet, ex dissimillimis rebus misceri et temperari potest. Sed de hoc — magna enim res est — alio loco pluribus: nunc ad propositum. Quemadmodum igitur, si quando ea, quae videtur utilitas, honestati repugnat, dijudicanda res sit, satis est supra disputatum. Sin autem speciem utilitatis etiam voluptas habere dicetur, nulla potest esse ei cum honestate conjunctio. Nam, ut tribuamus aliquid voluptati, condimenti fortasse nonnihil, utilitatis certe nihil habebit.

Habes a patre munus, Marce fili, mea quidem sententia magnum; sed perinde erit, ut acceperis. Quamquam hi tibi tres libri inter Cratippi commentarios tamquam hospites erunt recipiendi: sed, ut, si ipse venissem Athenas, quod quidem esset factum, nisi me e medio cursu clara voce patria revocasset, aliquando me quoque audires, sic, quoniam his voluminibus ad te profecta vox est mea, tribues iis temporis quantum poteris; poteris autem, quantum voles. Quum vero intellexero, te hoc scientiae genere gaudere, tum et praesens tecum prope diem, ut spero, et, dum aberis, absens loquar. Vale igitur, mi Cicero, tibique persuade, esse te quidem mihi carissimum, sed multo fore cariorem, si talibus monumentis praeceptisque laetabere.

NOTES.

REFERENCES AND ABBREVIATIONS.

Grammars.

A., . . *Allen & Greenough's.*	H., . . *Harkness's. Rev. Ed.,* [1881.
C., . . *Chase & Stuart's.*	M., . . *Madvig's.*
G., . . *Gildersleeve's.*	Z., . . *Zumpt's.*

Editors and Commentators.

Br., . . *Baiter.*	Hn., . . *H. A. Holden.*
Bl., . . *Bonnell.*	O., . . *Orelli, ed. by Halm.*
Cs., . . *Crusius.*	T., . . *Thacher.*
Gr., . . *J. von Gruber.*	Zt., . . *C. T. Zumpt.*
He., . . *Heine.*	

Arn.,—*Arnold's* Introduction to Latin Prose Composition, Part II.

Dict. Antiqq.,—*Smith's* Dictionary of Greek and Roman Antiquities.

Dict. Biog.,—*Smith's* Dictionary of Greek and Roman Biography and Mythology.

Dict. Geog.,—*Smith's* Dictionary of Greek and Roman Geography.

D.,—*Doederlein's* Latin Synonymes.

Lex.,—*Harper's* Latin Dictionary.

Mom.,—*Mommsen's* History of Rome.

s. v.,—sub voce.

Other abbreviations the same as in other works of this series.

NOTES

TO THE

De Officiis.

INTRODUCTION.

I. The exact time when Cicero began the treatise De Officiis is uncertain. That it was subsequent to the death of Caesar is evident from various allusions in the work to him and to the condition of the Republic after his death, as e. g. p. 15, line 33 *et seqq.;* p. 19, line 1; p. 67, line 17; p. 97, line 29; and p. 118, line 33 *et seqq.* On the other hand, the phrase *te Marce fili annum iam audientem Cratippum*, in the opening sentence, seems to indicate that it was not long after that event, since in a letter to Atticus (xv. 15) Cicero intimates that his son went to Athens about the first of April, B. C. 45. Accordingly it is the opinion of most of the critics, that the work was begun early in the summer, and probably in June, B. C. 44.

A letter to Atticus, however, (xv. 13) which contains the earliest allusion to the De Officiis, is thought by others to prove that *the entire* work was written in the autumn following. In favor of this view is also cited the closing address of Cicero to his son, p. 131, line 20 *et seqq.* And the phrase at the beginning of the first chapter quoted above *can* be reconciled with it by supposing that the young Marcus spent some time in Greece before becoming a pupil of Cratippus, or that Cicero does not mean to use the expression with any exactness.

But if the work *was* begun in the summer, it was interrupted by his attempted voyage to Greece, on which he set out from Pompeii,

July 16, and by his participation again in public affairs, after reaching Rome on his return, August 31st. About the middle of October he retired to his villa near Puteoli; and in the letter referred to above, of the 25th of that month, his language is: *Nos hic* φιλοσοφοῦμεν — *quid enim aliud?* — *et* τὰ περὶ τοῦ καθήκοντος *magnifice explicamus,* προσφωνοῦμεν*que Ciceroni. Qua de re enim potius pater filio.* In another, of November 5th, (xvi. 11) he mentioned the fact that he had completed two books of the work, and discussed the question of the most appropriate title. As he wrote still later to D. Brutus, consul elect (*ad Fam.* xi. 15), that he had returned to Rome, December 9th, and as he was fully occupied from that time onward with politics, there can be no doubt that the essay was completed before that date.

II. The occasion and the motive of his writing may be learned in part from the work itself. It was not from choice that he had leisure for the composition of this any more than of his other philosophical treatises. The introductions to the second and third books (pp. 60–61, 92–93) not only expressly state the fact, of which there is abundant evidence elsewhere, that his chosen course of life had been that of the advocate and the statesman; but they also briefly intimate the reason for all his movements during this most eventful year. As long as the Republic was managed by those to whom it had committed itself, is his declaration, he had devoted to it all his thoughts and energies, giving up the spare intervals alone of professional and public business to philosophy, and spending those wholly in reading, finding no leisure for writing. Only when shut out from the Senate-house and the forum *armis impiis vique* had he lived in privacy. It was his apprehensions of violence from Antony, and his despair of the commonwealth, that occasioned his frequent withdrawals from the capital; and his devotion to the service of his country, on the other hand, that led to his speedy returns to it. This is the explanation of his retiring to his villas soon after the murder of Caesar; of his absence from the Senate on the 1st of June; of his embarking on a voyage to Greece to spend there the remainder of the year, and his abandonment of it on learning, at Rhegium, of a favorable turn in public affairs; of his rapid journey homeward and reappearance in the Senate on the 2d of September—a day memorable for the delivery of his first great speech against Antony. When the ambition and the power of his opponent became more fully disclosed, he withdrew again to

his Puteolan residence, but as soon as news came that his enemy had left the city, hastened back to it, and entered again upon the work of stimulating both the Senate and people by his harangues to prompt and vigorous action for the preservation of the Republic. From that time onward, says Merivale, "the life-blood of the government centred in Cicero's own breast." Even during the previous months of enforced absence he had been carefully watching, from his retreats, the course of events, corresponding with the senatorial leaders, and striving in every possible way to unite and consolidate the opposition to Antony. This patriotic spirit and aim found its most signal illustration in the composition, during the month of October, of the second Philippic, which has been unanimously regarded as the greatest of his orations, and to which "overwhelming torrent of invective," in the judgment of Merivale, "the history of popular eloquence affords no parallel."

But the intervals which were not thus occupied he could not spend in inaction. "Though he knew all that was going on," says Niebuhr, "he did not suffer himself to be overpowered by it. There is no other period in his life in which he shows such intellectual activity as during that summer of the greatest convulsions of the Republic." He not only sought diversion and relief in the study of philosophy, but he strove to make himself still a benefactor to others by his productions in that department of learning. It was in "these feverish intervals" of the spring and summer that he had composed the *De Divinatione*, the *De Fato*, the *Cato Major* and the *Laelius*, the *De Gloria* and the *Topica;* besides writing an immense number of letters. And when in the autumn he was again compelled to be at leisure, he applied himself at once to the composition of these books, *De Officiis.* With reference to his motives and aim in writing it, his own language in this work is (pp. 60, 61, 93): *When all power had been usurped by one man, and there was no longer any opportunity for counsel or influence in politics, I neither abandoned myself to grief nor to degrading pleasures. . . As my mind could not be inactive, and as I had been conversant with philosophy from early life, I thought I might most honorably find relief from my troubles by devoting myself to it anew. . . Having given all my energies to this labor of composition, I have written more in the short time since the overthrow of the Republic, than in all the previous years of my life. . . In the midst of the greatest evils, therefore, I seem to have conferred a benefit*

upon my countrymen, by writing upon those subjects with which they were not well acquainted, but which were most worthy of their knowledge. It is certainly an interesting coincidence, that side by side with the composition of the masterpiece of his oratory, so full of the passion of that revolutionary time, he should have wrought out, as the last of that series of essays which Gibbon has styled a library of reason and eloquence, so dispassionate and sound a treatise on moral duties, "the best manual of ethics," as Forsyth asserts, "which has been bequeathed to us by heathen antiquity."

III. There was a special reason, however, for the preparation of this, which had not existed in the case of Cicero's other works. It was the desire to aid in the instruction and training of his only son, MARCUS TULLIUS CICERO, to whom the work *is addressed.*

Marcus was born the same year with Horace, B. C. 65. It was also the year of his father's praetorship, in which he had pronounced the *Pro Lege Manilia*, the first of his speeches from the *Rostra.* The early education of the son was directed with the utmost pains; and with his studies at home were combined the advantages of foreign travel and residence. He was his father's companion in his tour to Athens, Rhodes, and the East in B. C. 51, and the next year, during his governorship of Cilicia, which was so remarkable at that day for its integrity, justice, economy, and humanity. Returning to Italy, he assumed the *toga virilis*, March, B. C. 49; soon after accompanied his father in his flight to Greece at the outbreak of the civil war, and was put in command of a squadron of cavalry by Pompey. In the campaign which ended with the battle of Pharsalia (August, B. C. 48), he won the praise of his leader for his proficiency in military tactics, and for his endurance of hardships. (See p. 75, line 14 *et seqq.*) During the year 46 B. C., he filled the office of Aedile at Arpinum, and the next spring, though strongly desirous of joining Caesar in his Spanish campaign against the Pompeians, he was persuaded by his father to go to Athens to complete his education. To his training in rhetoric his father had contributed a few months before, by writing for his especial benefit the *De Partitione Oratoria Dialogus*, "the most purely scientific of all his works in that branch," and he now provided liberally for his son's expenses while under the tuition of Cratippus the Peripatetic. Marcus, who was at the age of twenty, after a time fell into extravagance and excesses;

but, through the appeals of his father and Atticus, he reformed, and in a letter of this year (B. C. 44) expressed deep regret for his wrong-doing, and promised renewed devotion to study. The stories of his subsequent life, however, though they are believed to be greatly exaggerated, show that this reform was but partial and temporary. Of his merits as a soldier there is abundant evidence. Leaving his studies about the close of this year for the army of Brutus, he proved a brave and able officer in the Macedonian campaign, which ended with the extinction of the Republican party at Philippi, in B. C. 42. He then joined Sext. Pompey in Sicily, and on his reconciliation with the Triumviri in B. C. 39, took advantage of the act of amnesty, returned to Rome, and remained there in retirement. Called to the consulship as colleague with Octavian in B. C. 30, the dispatch announcing the capture of Antony's fleet was addressed to him in his official capacity: and thus, says Plutarch, "the divine justice reserved the completion of Antony's punishment for the house of Cicero." Nothing further is known of him except his appointment to the governorship of Asia or Syria soon after.

IV. With this practical aim Cicero lays aside the form of a dialogue, which he had employed in most of his other treatises, and presents his own views, not in a scientific shape, but freed as much as possible from the technicalities of the schools, and in a popular style adapted to the comprehension of such youthful readers as his son. But this method of treating the subject did not imply any undervaluing of the theoretical principles which must form the foundation and framework of any system of ethics. Though the two are not formally connected, an earlier treatise had prepared the way for just such a discussion as that contained in the *De Officiis*. In chapter iii., in connection with his statement of the subject, he remarks that *one* of the two inquiries about duty pertains *ad finem bonorum*, i. e. *the greatest good*, to which all man's desires, thoughts, and actions ought to be directed. This he had already made the theme of the *De Finibus Bonorum et Malorum*, a work in five Books, written in B. C. 45, and the most elaborate and profound of all his philosophical essays. In the opinion of a recent English editor, it "exhibits perhaps the fairest picture of the degree of moral truth man is capable of attaining without Christianity."

The *other* inquiry about duty, Cicero proceeds to say has reference to the proper rules for the regulation of conduct. These do

indeed have a close connection with the theoretical truths discussed in the *De Finibus;* yet they are to be treated of, in the present work, in their application to real life.

V. For a correct understanding of the sentiments here presented, it must be borne in mind that Cicero was not an adherent of any one sect of philosophers exclusively, but an eclectic in his views, and an expounder or interpreter of such doctrines of the several schools as he believed to be the most probable, and of the greatest practical value. "His creed," says Grant, (Ethics of Aristotle, I. 279,) "was a learned and sensible eclecticism, a qualified Stoicism, with a use of the Academic arguments, and an approach in some things to the Peripatetic views." For the present purpose, the following statement of his opinions will be sufficient:

1. In *speculative philosophy,* he adopted the views of the New Academy as expounded by his teacher Philo of Larissa. In particular, he agreed with this school in believing that truth could not be attained with certainty, and that only what was most probable could be reached. In the Tusculan Disputations (I. 9), his language is: *Probabilia coniectura sequens. Ultra enim quo progrediar quam ut veri similia videam non habeo.* For his statements on this point in the present work, see p. 62, lines 9–33, and p. 98, lines 10 *et seqq.*

2. In *ethics,* Cicero preferred, *in the main,* the doctrines of the Stoics. In the introduction to this work (p. 9, lines 25–29), he announces it to be his intention to follow chiefly this sect in the discussion of moral duties, yet *not as an interpreter;* it is his purpose to draw from their fountains as much and in such a way as shall suit his own judgment. See also p. 98, line 1 *et seqq.* Thus he agreed with them in believing that the only proper end of human existence was to live in harmony with nature, or "right reason," (p. 39, line 27; p. 40, line 4; p. 95, line 34;) that virtue was the only good, and vice the only evil (p. 72, line 15; p. 95, line 13); that whatever is expedient is virtuous, and nothing is expedient that is not virtuous (p. 95, line 21; p. 98, line 6). He also adopted their division of duties into *media* and *perfecta.* (See p. 10, line 8, and p. 96, line 7, and notes.)

3. Between the Stoic doctrine, that external good of every kind is something morally indifferent and worthless (though there is a distinction among external goods, and some may be preferable to others), and that of the Peripatetics, who attributed a certain value

in itself to external good (though it weighs as nothing against virtue), Cicero wavered, and confessed that at one time the Stoic, at another the Peripatetic view seemed to him to be most like the truth. (See p. 95, line 10; p. 102, lines 1–7 and 34–39, and notes.) He also rejected the Stoic dogma that a man must be wholly virtuous or not at all; and that all good acts are equally good (p. 16, line 6; p. 71, line 21).

Ritter's exposition of Cicero's ethical views (Hist. of Phil., iv. 150) is in part as follows:

"An attentive examination of the mode in which Cicero endeavors to combine the Stoical with the Peripatetic theory of morals, will convince us that he had formed on these subjects a peculiar view, which originated not so much in any scientific and rigorous connection of ideas, as in the natural and individual characteristics of the man. These prevented him from adhering entirely either to the Peripatetic or to the Stoical notion of good, and led him insensibly to form a different idea from either of the proper end of human exertion. This will be distinctly manifest in the general ideas under which he conceived all morality. If the Greek philosophers had asserted that the beautiful alone is good, Cicero, on the contrary, influenced by the phraseology of his native tongue, maintains that the honorable alone is good, and holds that his own proposition is identical with that of the Greeks. This is his usual language; for where we should speak of moral good, he speaks of the honorable, and simply shows that by the term honorable nothing is to be understood but what is truly deserving of praise, even though it be not praised; in a word, virtue. Virtue is to his mind pre-eminently distinguished from everything else by the splendor of its worth. If he wishes to show how man is impelled by nature to pursue moral good, he appeals to the emulation displayed by the young, their competition with their fellows for pre-eminence, and to the labor and pains they willingly undergo for the sake of praise. To the honorable, he opposes the base, as the evil which all men ought to avoid. True honor he makes to be equivalent with virtue; he distinguishes it, it is true, from glory, but at the same time acknowledges that it has a resemblance to it. On this account he considers the resemblance between the good and the becoming to be so close as to justify him in placing the terms side by side as equivalent. A difference may perhaps be found between them; but it is such as hardly to

admit of being expressed in words. The becoming is ever in close attendance on the good, and is evinced principally in the deference which, in all our actions, we show towards others, diligently seeking to obtain their good opinion, and to avoid whatever may give them offence. Thus does the moral theory of Cicero strive after the approbation of men. Indeed, the very notion of the becoming appropriately expresses this tendency of his moral precepts."

VI. To this eclectic creed Cicero was inclined not only by temperament, but also by his education under representatives of several of the schools, particularly Philo of the New Academy, and Posidonius, the most learned of the Stoics, whose lectures he had attended at Rhodes; and later, by his study of the productions of these schools, especially the works of the Stoic Panaetius of Rhodes, who had been the teacher of Posidonius.

PANAETIUS was born early in the second century B. C., and was a pupil of Crates of Pergamus, and afterwards of the Stoics Diogenes of Babylon, and Antipater of Tarsus, at Athens. He himself became a teacher of philosophy in the same city, and was the head of the Stoic school there the latter part of his life. The exact time of his death is unknown, but it was near the close of the second century, and thirty years after the publication of his chief work (p. 94, lines 24 and 25). Among his pupils at Athens were many Roman jurists, and others in political life, among them Laelius and Scipio Africanus Minor (p. 36, line 27 *et seqq.*), who became his friends, and the latter of whom he accompanied on his famous embassy to the allied kings in Asia Minor and Egypt in 144 B. C. It was through him chiefly that Stoicism was first recommended to the Romans and began to have an effect upon the scientific form of their jurisprudence. His influence upon them was largely due to his freer method of discussion and his popular style, his mild and liberal spirit, his tendency to eclecticism, and the practical aim of his writings. Ritter remarks that "he held Plato in especial esteem; and yet constantly quoted with deference the authorities of Aristotle, Xenocrates, Theophrastus, and Crantor." His chief work was entitled Περὶ τοῦ Καθήκοντος, *On the Becoming*, which especially commended itself to Cicero, because it discussed the practical side of morality in a style intelligible to ordinary men (p. 71, lines 21–23). The latter has, accordingly, adopted its general plan and its sentiments in the main in the *De Officiis*, and of this he makes due acknowledgment. (Cf. also *Epist. ad Att.* xvi. 11.)

VII. The precise degree of Cicero's indebtedness to Panaetius further than this, it may not be possible absolutely to determine. That he has not given a mere translation of that author, or even "an adaptation with modifications, to the Roman public," as some critics have maintained, seems evident from the following considerations: 1st. The manner in which the *De Officiis* is alluded to by Aulus Gellius xiii. 28: *Quos (Panaetii libros) M. Tullius magno cum studio maximoque opere aemulatus est;* and the fact that he quotes a passage from the work of Panaetius which is not found in that of Cicero. 2d. The statements of Cicero himself, e. g. p. 80, line 37 *et seqq.: Hic ipse Panaetius quem multum in his libris secutus sum*, NON INTERPRETATUS; and p. 94, lines 11–13. 3d. The fact that certain important parts of the discussion are known to be original with Cicero, e. g. the definition of *Officium*, which Panaetius had not given (see p. 9, lines 31 *et seqq.*); the addition of two topics to the threefold division of the subject made by Panaetius (see p. 10, lines 16–39; p. 56, line 29; p. 90, line 29); and the entire discussion of the last division of the subject (occupying the whole of Book III.) which Panaetius had not treated at all. (See p. 94, line 21 *et seqq.;* p. 101, line 30 *et seqq.;* also p. 90, line 5 *et seqq.*) 4th. The distinctively Roman spirit and sentiment of the whole work, e. g. his discussion of *Justice* and of *Greatness of Soul*, in Bk. I.; his remarks respecting the different species of oratory. Bks. I., 37, II. 14), which coincide with the teachings of his rhetorical works; respecting the choice of a profession (Bk. I., 42); his directions to a youth ambitious of distinction (Bk. II., 13); and the numerous illustrations of his theme, which are scattered throughout the work, drawn from the history of his own nation in the past and of his own times, and from the lives of many of his distinguished countrymen. To these statements it should be added, that although what Panaetius had left unfinished, Posidonius had partially completed (p. 94, lines 25 *et seqq.*), Cicero has not even taken *him* for his guide in the last division of his subject, i. e. Bk. III., but has treated it independently and entirely without assistance (p. 102, lines 18–23). And, finally, how very slightly he was indebted to the writings of Diogenes, Hecaton, and Antipater, an examination of chapters xii., xv., and xxiii. of Bk. III. will show.

VIII. For a correct understanding of the course of thought in this treatise, the pupil is referred to the following

SYNOPSIS.

BOOK FIRST.

Introduction. Ch. I.-III.

1. Ch. I., *Preface.* Address to his son, commending the study of both Latin and Greek in oratory and philosophy, and of his own works in both departments.
2. Ch. II. *Statement of the subject* and of the reasons for its selection.
3. Ch. III. Two sorts of inquiry about duty. Division of duties. Fivefold division of the subject.

I. Ch. IV.-XLII. DE HONESTO.

Prelim. Ch. IV., V. Its character ascertained by an analysis of man's nature. Its four elements.

A. Ch. VI. **Sapientia vel Prudentia.**

B. Ch. VII.-XIII. **Justitia et Beneficentia.**

- **a.** Ch. VII.-XIII. *Justitia.*
  - **1.** p. 14, l. 10. Its nature.
  - **2.** p. 14, l. 38. The two kinds of injustice and their causes.
  - **3.** Ch. IX., (p. 16, l. 34.) Duties required by *Justitia*, particularly (a) in case of doubt; (b) Ch. X., when circumstances change; (c) Ch. XI., towards private and public enemies and slaves.
  - **4.** Ch. XIII., (p. 21, l. 16.) Injustice through deceit and hypocrisy, the worst kind.
- **b.** Ch. XIV.-XVIII. *Beneficentia.*
  - **1.** Ch. XIV. The limitations of its exercise. (a) It must not prove injurious to the object of it, or to others; (b) or exceed our abilities; (c) and must vary with the merit of the receiver and his necessities.
  - **2.** Its exercise must be proportioned to the kind and degree of relationship between the giver and receiver; yet sometimes must vary with circumstances.

C. Ch. XVIII. (p. 27, l. 1)-XXVI. **Fortitudo.**

- **1.** Its true meaning.
- **2.** Ch. XX. Its twofold character. It consists (a) in believing virtue the only good, and in a low estimate of outward things;

(b) Ch. XXI., in the performance of difficult and dangerous ..tions for the public good, as well in civil as in military affairs.

3. Ch. XXIV. Duties required by it: (a) in war; (b) Ch. XXV., in statesmanship; (c) Ch. XXVI., (p. 37, l. 4,) in private life.

D. Ch. XXVII.-XLII. **Temperantia et Decorum.**

1. Its nature and its two divisions.
2. Ch. XXVIII., (p. 39, l. 27.) The duty required by it. **a.** Ch. XXIX., (p. 40, l. 26,) in general, a conformity to the dictates of nature, ascertained by study of (1) the common nature of man; (2) Ch. XXX., (p. 41, l. 36,) one's own individual character; (3) Ch. XXXII., his condition, rank, office; (4) Ch. XXXIV., his age. **b.** Ch. XXXV., propriety in words and actions; attained by (1) modesty; (2) Ch. XXXVI., dignity of demeanor; (3) Ch. XXXVII., culture of the powers of conversation and oratory; (4) Ch. XXXIX., freedom from ostentation and extravagance; (5) Ch. XL., method, seasonableness and suitableness of actions.

II. Ch. XLIII.-XLV. HONESTORUM COMPARATIO.

1. Social duties take the precedence of those required by *Sapientia.*
2. Duties required by *Temperantia* paramount to those of Justice. The first duty is owing to the gods; the second, to one's country; the third, to parents.

BOOK SECOND.

Introduction. Ch. I.-II.

1. *Statement of the subject.*
2. P. 60, l. 11. *Justification* of the author's devotion to philosophical study and writing.
3. Ch. II., (p. 62, l. 9.) *Refutation* of a charge of inconsistency.

III. Ch. III.-XXIV. DE UTILI.

1. The **Utile** always identical with virtue.
2. P. 63, l. 18. Men the chief source of benefit or injury to each other.
3. Ch. VI., (p. 66, l. 23.) Means of leading men to promote our interests.

A. Ch. VII.–XIV. *By securing their good will* in the form of (1) personal friendship; (2) Ch. IX., popularity, (a) which depends on their love, their confidence, their admiration; (b) Ch. XI., (p. 72, l. 32,) and is acquired by justice, Ch. XIII., by warlike deeds, by moral and intellectual worth, Ch. XIV., by eloquence.

B. Ch. XV.–XXIV. *By beneficence.*

(1) The two modes of exercising it contrasted. (2) Ch. XVI. Pecuniary beneficence: (a) as distinguished from prodigality and niggardliness; (b) as exercised according to certain rules. (3) Ch. XIX. Personal services (a) to individuals (such as legal advice and pleading at the bar), proportioned to their merit; (b) Ch. XXI., to the State, involving the discharge of all the duties of the statesman with honesty, impartiality, and justice.

4. Ch. XXIV., (p. 90, l. 5.) Other sources of utility: health and property.

IV. Ch. XXV. UTILITATUM COMPARATIO.

BOOK THIRD.

Introduction. Chap. I.–II.

1. *Preface.* Respecting his retirement from public life, and the occasion of writing this treatise. Exhortation to his son.
2. Ch. II., (p. 94, l. 11.) *Statement of the subject.*

V. Ch. II.–XXXIII. HONESTI ET UTILIS CONTENTIO.

A. Chap. III. No *real* conflict between them possible, from the nature 1. Of the real Honestum; 2. p. 96, l. 2, or of that which is popularly called so.

B. The *apparent* conflict:

(a) *caused* by doubt respecting the real character of an action.
(b) Ch. IV., (p. 97, l. 35.) *Criterion* for deciding the doubt; proved correct by the fact (1) Ch. V., that violation of right tends to the dissolution of human society; (2) Ch. VI., that the interests of each individual are identical with those of the whole community.

1. Ch. VIII.–XI., *considered* with reference to virtue in general.
   a. The violation of right incompatible with expediency.
   b. Ch. X. The real expediency of an action not determined by its immediate consequences, nor by the fact that it is accordant with friendship or the interests of the State.

2. Ch. XII.-XXIII., *considered* with reference to particular virtues:

a. **Justitia**; illustrated by (1) cases of concealment of truth, and (Ch. XIV.) of falsehood. (a) Ch. XV. The contrariety of such conduct both to the civil law and (Ch. XVII.) to the law of nature. (b) Ch. XVIII. The motives to such conduct: love of money; (Ch. XX.) of distinction; (Ch. XXI.) of power. (2) Ch. XXIII. Other cases of apparent conflict; particularly in the fulfilment of promises.

b. Ch. XXVI. **Fortitudo**; illustrated (1) by the case of Ulysses, (2) p. 123, l. 26, by the case of Regulus. (a) Arguments in favor of violation of the oath; (b) Ch. XXIX., arguments in reply.

c. Ch. XXXIII. **Temperantia.**

EPILOGUE, p. 131, l. 16.

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TITLE. **De Officiis, etc.** Cf. a statement respecting this in 7
Cicero's letter to Atticus, written Nov. 5th, B. C. 44 (*ad Att.* XVI. 11): *Quod de inscriptione quaeris, non dubito, quin* καθῆκον *officium sit, nisi quid tu aliud; sed inscriptio plenior, De Officiis.* Προσφωνῶ *autem Ciceroni filio. Visum est* non ἀνοίκειον. In another letter (*ad Att.* XVI. 14), he again maintains the correctness of this use of the term: *Mihi non est dubium, quin, quod Graeci* καθῆκον, *nos officium.*

BOOK FIRST.

Chap. I. 1. Marce fili. See Introduction, p. 137. **Annum jam audientem.** The time when the young Cicero went to Athens is determined by a passage in one of the letters of his father to Atticus XV. 15): *Scripsit (sc. Cicero noster) hoc autem ad Tironem, sibi post Kal. April.—sic enim annuum tempus confici—nihil datum esse.* Respecting *the time* of writing this work, see *Introd.*, p. 135. For the meaning of **audientem**, see Lex. *s. v.*, II., A. 2, and cf. De Nat. I. 14: *Cleanthes, qui Zenonem audivit;* Acad. I. 9: *Iam Polemonem audiverat assidue Zeno.* For the tense, M. 334, Obs.; C. 189, 6, 7; H. 467, 2; A. 290, a; G. 221.

2. Cratippum, a Peripatetic philosopher, a native of Mitylene, where for a time he taught the doctrines of that school. Cicero

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7 made his acquaintance at Ephesus, when he was on his way to Cilicia to assume the proconsulship of that province, B. C. 51. His opinion of Cratippus is given in several passages of this work, e. g. line 14; p. 62, line 30; p. 93, line 30; and in other writings he speaks of him as his friend, a most excellent and learned man, as the chief of all the Peripatetics to whom he had listened, and as equal in his opinion, to the greatest of that school. It was at his request that Caesar, when dictator, conferred the right of citizenship upon Cratippus; and that afterwards, when the latter went to Athens, he was invited by the council of the Areopagus to remain there, and give instruction in philosophy. **Idque.** A more precise definition of a word is connected emphatically by *et is.* If that which is added belongs to the predicate, and to the assertion in general, the neuter is employed, *et id, idque.* M. 484, **c**; H. 451, 2; A. 195, *c*; G. 293, 2. **Athenis.** For the case see C. 148, and note; H. 425, II.: A. 258, *c*; G. 412. **Abundare.** After **oportet,** signifying *duty,* the accusative with the infinitive is always used: but otherwise *either* the accusative with the infin. *or* the subjunctive without *ut.* M. 373, Obs. 1. **Praeceptis,** *the doctrines;* **institutis,** *the practical rules of life* founded on these doctrines. The former point out the true, the right, the honorable; the latter fashion the mind and character in accordance with them. Zt.

4. Quorum. In case of the combination of masculine names of living beings with objects devoid of life, the relative is *either* masculine (when the latter have at the same time some reference to living beings), *or* neuter (so that the whole is considered as a thing). M. 315, **a**; 214, **b**, Obs.

5. Exemplis, i. e. models for imitation.

6. Ad meam utilitatem, for the more usual *cum mea utilitate,* denotes the result rather than the purpose. **Cum Graecis Latina,** *Latin studies with Greek.*

7. Id in philosophia, sc. by writing and speaking upon philosophical subjects in Latin, as well as by the study of Greek authors and by listening to Greek philosophers; **in dicendi exercitatione,** sc. by employing Greek teachers, by the study of the Greek as well as the Roman orators, and by practising declamation in Greek as well as in Latin.

8. Idem. Instead of *sic,* or *ita,* the proper correlatives of *ut,* a pronoun, such as *idem, id, hoc,* is often used, by a kind

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of anacoluthon. He. Cf. *De Leg.* II., 6, 14; *De Fin.* IV., 13, 34. 7

9. Utriusque orationis, *both styles of discourse,* the philosophical and the oratorical. This interpretation seems to be required by the following sentence; and Bl. asserts that *oratio* is not used in the sense of *a language* (by which some editors render it here) earlier than in the writings of Aulus Gellius. Cf. the use of the word in line 20 and p. 8, line 11.

10. Videmur, sc. *nobis.* For the person, see C. 245, 2; H. 534, 1, note 1; A. 330, *b*; G. 528; for the number, M. 483. An individual not unfrequently speaks of himself in the first person plural, when he thinks more of the condition and bearings of the subject under discussion, than of himself personally in distinction from others; perhaps also to exhibit himself in close connection with other philosophers. Lr.

12. Docti, explained by its contrast to *Graec. litt. rudes.*

13. Dicendum, skill in oratory; **judicandum,** the power of correct judgment in philosophy.

14. Disces. The second person of the future is sometimes used for the second person of the imperative, to express a firm conviction that the command or direction will be complied with, *especially in familiar language.* M. 384, Obs. The verb is repeated in the next line for emphasis, as often in Cicero. Cf. p. 38, line 8; *in Cat.* I. 2, 4. **Tu.** The pronoun is necessary because of the transition from the general (**docti**) to the special (**tu**). Gr.

16. Proficias. For the mood, C. 231; H. 529, I.; A. 334; G. 469. **Non paenitebit,** *shall not feel dissatisfied.* Cf. *ad Att.* XII. 28.

18. Utrique. The plural properly, and always in Cicero, denotes each of *two parties.* M. 84, Obs.; Z. 141; here the Peripatetic to which Cratippus belonged, and the New Academy of which, in speculative philosophy, Cicero was an adherent. See Introduction, p. 140. **Socratici—esse,** sc. in practical philosophy or ethics.

19. Rebus ipsis, *the subject-matter* or *sentiments.*

20. Autem is the weakest adversative particle, being rather a particle of *distinction* than of opposition. It is comparatively seldom found in orations, but is very common in philosophical writings. It is often used immediately after a parenthetic clause, as here, to resume the interrupted discourse. Arn.

1. Legendis nostris, *by reading my writings.* repeats the 8

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8 idea in **nostra legens,** because of the intervening parenthetic clause. The gerundive in the oblique cases *generally* supplies the place of the present pass. partic., i. e. has the meaning of *a continued* passive state. Z. 652; M. 99. Cf. p. 16, line 8. In the case of the genitive and the ablative without a preposition, the choice between the gerund with an accusative and the gerundive is determined by euphony and perspicuity, or the mere pleasure of the writer. Cicero and Caesar prefer using the *gerundive.* M. 413, Obs. 1. **Pleniorem.** See Lex. *s. v.*, II. B. 1.

2. Velim. For the mood, C. 202, 2; H. 486, I.; A. 311, *b*; G. 250.

3. Concedens, *granting the superiority.* Gr. On the arrangement of the following clauses, see M. 476, **c**, Obs.

4. Oratoris, the usual construction with **proprium,** *peculiar to.* The dative is rare. M. 290, **f. Apte—dicere,** the three chief qualities of a good orator: **apte** denoting *propriety, suitableness;* **distincte,** *clearness and method* in the arrangement of the discourse as well as in the use of particular expressions; **ornate,** the fit use of figures and tropes for the adornment of discourse. He.

8. Hos—libros, i. e. not merely the books *De Officiis,* but all his treatises upon philosophy, as is indicated by the next clause.

9. Qui—aequarunt, sc. in number. Most MSS. omit **se.** But Cicero never uses *aequo* with the dative. Either *se* must be inserted, or *illis* changed to *illos.* He. See also M. 243, Obs. 4; Z. 389. Cicero had published at this time more than seventy orations, and nearly thirty philosophical works (divided into sixty-two Books). For a list of the most important of the latter written before April, 44 B. C., see *De Divinatione* II. 1; and of those written after that date, see Introduction, p. 137.

11. Aequabile. See Lex. *s. v.* 2. **Temperatum,** *unimpassioned.*

13. Elaboraret. The MS. reading is *laboraret,* which denotes only exertion with the accessory notion of pains, or difficulty or anxiety or failure. Gr. thinks this word accords best with **sequeretur,** *strive after,* and with the sentiment in lines 18–20. But Br., O., Bl., He., and C. adopt the form **elaboraret,** which has also the accessory notion of the successful accomplishment of the object aimed at in the work. Cf. p. 45, line 7; p. 50, line 29; *Tusc. Disp.* I., 1, and Kühner's note. See also D., *s. Labor.*

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15. **Nisi forte**, with the indicative, introduce a limitation or exception to what precedes; often indicating its improbability, or used in an ironical sense, but not so here. Gr. M. 442, **c**, Obs. 1; Z. 526. **Demetrius Phalereus**, born B. C. 345, died in exile B. C. 283; a distinguished statesman, and the head of the government of Athens for ten years; a Peripatetic philosopher, and the last of the more distinguished orators of Greece. 8

16. **Disputator**, *expounder of philosophy.* Gr.

17. **Theophrasti**, a Peripatetic philosopher of the 4th cent., B. C., a pupil of Plato and of Aristotle. The latter designated him as his successor in the presidency of the Lyceum, which position he occupied to a very advanced age. He was distinguished for his learning and eloquence.

19. **Certe**, here, as very frequently employed to limit the assertion. Cf. p. 102, line 36; *De Senect.* I. 2, and II. 6. Sometimes, e. g. p. 9, line 12; p. 102, line 33, it has the emphatic force of *certo*, which is very rare in Cicero, except with *scio*, and elsewhere is found only in the comic poets. See Z. 266, Note 1; C. 99, 1; H. 304, II. 2; A. 151, *c.*

20. **Equidem.** See Lex. *s. v.* II. B. The sentence which it introduces, is inserted as a modest explanation of the fact that others have *not* been distinguished in both departments.

22. **Potuisse dicere**, instead of the fut. partic. with *fuisse*, (which in *Orat. Obliq.* would regularly represent the pluperf. subjunct.,) because in the *Oratio Recta* the expression here would be *Plato potuit.* M. 409 and 348, **c.**

23. **Tenuisset**, i. e. continued to devote himself to it exclusively. **Pronuntiare**, here *to expound* the philosophy learned from Plato. He.

26. **Contempsit**, not literally, *despised*, but *did not care for*, or *valued less.* Bl.

27. **Alterum**, sc. *studium,*=*studium alterius.*

Chap. II. 28. **Sed**, resumes the thought interrupted by the digression in the preceding chapter. See M. 480; H. 554, IV. 3.

29. **Volui.** For the tense, see C. 200; H. 472, 1; A. 282; G. 244.

30. **Aetati tuae, etc.** See Introd., p. 138. **Auctoritati**, sc. *et patris et principis.* Gr.

31. **Nam** introduces the first reason for writing *De Officiis*, the statement of his intention to do which is *implied* in the preceding sentence. **Quum** has the subjunctive when it expresses a kind

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8 of comparison, and especially a contrast, between the leading clause and the subordinate. M. 358, Obs. 3.

33. Latissime patere, *to be most widely applicable; ad omne vitae genus, tempus ac munus pertinere.* Heus. Cf. p. 14, line 3; p. 15, lines 12 and 30; p. 24, line 6; p. 37, line 7.

34. Tradita et praecepta. A kind of hendiadys = *those doctrines which are taught.* Cf. p. 9, line 2; *De Orat.* II. 38, in fin.: *Qui haec tradunt et docent.* Bl. **Nulla, neque—neque.** See C. 256, 2; M. 460, Obs. 2; H. 553, 2; A. 209, *a*; G. 444.

35. Privatis includes both **forensibus,** (i. e. pertaining to one's profession or business,) and **domesticis,** which stand in the same contrast as *foris* and *domi.* He.

37. Altero, used where one more is mentioned besides one that has been spoken of (in opposition to that *alone* and by itself), where in English the word *another* is used. M. 496. **Contrahas.** See Lex. I. B. 2, b.

39. Atque introduces the second reason for writing on this subject. **Haec quaestio,** *The investigation of this subject.* A demonstrative or relative pronoun is sometimes used in agreement with a substantive, *in a suggestive sense,* instead of adding that which is suggested in the genitive case. M. 314.

9 **2. Nullis—tradendis,** *while he teaches no rules of duty.* The ablative absolute of the gerund or gerundive often states the accompanying circumstances or the time during which something happens, and can be rendered by *sine.* He. Cf. *in Cat.* III. 3; *pro Murena,* 8, 17; *De Senect.* VII.; Z. 643. According to M., it is an instance of the ablative of the gerund or gerundive denoting the *way and manner,* the modal relation shown by the identity of time. 416, Obs. 1. On the *time* denoted by this participle, see p. 8, line 1, note.

3. Disciplinae, *schools of philosophy,* e. g. the Epicurean, which held that pleasure was the greatest good and pain the greatest evil.

4. Propositis, C. 251, 1; H. 549, 4; A. 291; G. 671. **Bonorum et malorum finibus,** i. e. the doctrines they teach respecting *the greatest good and evil.*

5. Pervertant, the reading of most MSS., and adopted by Br., O., and He. C. 223, 4; H. 503, I.; A. 320; G. 634. The subjunctive, because not particular schools, but the whole species or class of them, is referred to. Gr., Zt., and Bl. read *pervertunt,*

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and refer to Z. 563: When a distinct individual or thing is 9
mentioned, the indicative is used. M. 365, Obs. 1.

7. **Hic**, elegantly used after *qui* for *is*; i. e. *such a man*. Zt.

8. **Consentiat**, *is consistent*. **Et non** is sometimes employed instead of *nec*, when the negative is blended, as it were, into one idea with some particular word following, (here **interdum**,) and the whole treated as co-ordinate with what goes before. M. 458, a, Obs. 1. **Naturae bonitate**, *natural goodness of heart*. Gr. Cf. p. 45, line 32.

10. **Fortis, temperans.** For the position, see C. 260, 1; H. 561, I.; A. 344. *i*; G. 675.

13. **Sunt**, the reading of Br., and O., following most of the MSS. Other editors have *sint*, and refer to Z. 574, note. But the subjunct. occurs after *quamquam* in classic prose only when there is some other reason for it. M. 361, Obs. 2.

14. **Alio loco**, sc. in the *De Finibus Bonorum et Malorum* and the last two books of the *Tusculan Disputations*.

16. **Queant**, used far more rarely than *posse*, and generally only in negative clauses. M. 159, Obs. 1; Z. 216. For instances of its affirmative use, see *De Sen.* X.; *De Amicit.* XX. According to D., *posse* denotes ability as a consequence of power and strength; *quire*, of complete qualification.

17. **Firma** denotes things which have a firm position from which they cannot be driven; **stabilia**, in themselves not liable to change. Cf. *De Amicit.* XVII. **Conjuncta**, *accordant with*; in this sense followed by the *dative*, sometimes also when = *combined with*, though it then often has the ablative. The verb sometimes takes the dat., but usually repeats the preposition. M. 268, a, Obs. 2; 243, Obs. 2.

18. **Nisi** = *except*, is subjoined to negatives and questions with a negative sense. M. 442, c, Obs. 2. **Qui solam**, the Stoics; **qui maxime**, the Academics and Peripatetics. He.

20. **Ea praeceptio**, *this giving of precepts*. Verbals in **io** from the supine stem generally denote *the action* of the verb. M. 178; C. 104, I. 5; H. 326, 1; A. 163, *b*. **Stoicorum.** For the construction, see p. 8, line 4, note. For the omission of **et** with this and the following genitives, see C. 257, 2; H. 554, I. 6; A. 208, *b*; G. 483, 2.

21. **Aristonis**, of Chios, fl. about 260 B. C., a pupil of Zeno, but the founder of an independent school. **Pyrrhonis**, of Elis,

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9 the founder of the school of the Sceptics, fl. near the close of the 4th cent. B. C. **Erilli**, (so Br., O., and He., on the authority of the MSS.,) a native of Carthage and a pupil of Zeno. Pyrrho held that all things, without exception, are indifferent as to truth or falsehood, uncertain and in nowise subject to man's judgment; that neither our senses nor our opinions concerning anything teach us any truth: yet he also held with Aristo, that the *only good* is *virtue;* while Erillus believed that it is *knowledge.* They were agreed in regarding all other things as neither good nor evil, so that there is absolutely no choice between them. Thus these philosophers left no room for the *exercise* of virtue. See Ritter, Hist. of Phil. III., pp. 384, 455, and cf. *De Fin.* II. 15 and IV. 16.

23. Haberent, imperfect instead of the pluperfect. C. 215, 4, 1; H. 510, note 2; A. 308, *a*; G. 599; M. 347, Obs. 2. **Rerum—dilectum,** *power of choosing between things.*

24. Reliquissent, sc. by admitting that there was any difference between them. Since, according to their doctrine, a man who is sick or unjustly treated, or sensual, is in as good a condition as one who is in health, or justly treated, or pure, no one can be under any obligation to care for the sick, or to treat others justly, or to be prudent, magnanimous, or chaste.

25. Aditus, *a possibility of arriving at;* the concrete thing put for the abstract quality. Gr.

26. Stoicos. A word to which the proposition points from the beginning, and which completes the sense as soon as it is uttered, or a word on which the thought dwells, as it were, for a time, may gain emphasis by being placed at the end of the proposition. M. 465, a. **Interpretes,** *translators.* Gr.

27. Ut solemus. See Introd., p. 140. Cf. p. 80, line 37; p. 94, lines 12 *et seq.; De Fin.* I. 2, 6; *Tusc. Disp.* V. 11.

31. Officium, in contrast with *munus, a political duty,* means *a moral duty.* Cicero uses the term as the equivalent of the Greek Τὸ Καθῆκον, *that which is becoming* or *fit,*—"rational action in general; including the choice of things to be preferred, and the eschewing of those to be declined." Zeller.

32. Panaetio. See Introd., p. 142.

33. Ratione. The reading adopted by Br., He., and O., though the MSS. insert **a**; *systematically.* He. Cf. *De Fin.* I. 10, 32: *Qui ratione voluptatem sequi nesciunt; Tusc. Disp.*

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IV. 38, 83: *Non fortuito factum videtur, sed a te ratione propositum.* On this meaning of the word, cf. also p. 98, line 1; p. 55, line 19; *Tusc. Disp.* I. 1: *Omnium artium ratio ac disciplina*, and see p. 40, line 1, note. **Institutio**, *instruction*. 9

35. Disputetur. C. 226; H. 529, II.; A. 342; G. 631. It can scarcely be doubted that here, either through Cicero's own oversight or the fault of a copyist, the announced definition of *Officium* has been omitted. Its purport would perhaps be: *Omne agitur, quod ratione actum est, officium appellamus;* or, as in *De Fin.* III. 17: *Est autem officium, quod ita factum est, ut ejus facti probabilis ratio reddi possit.* Gr. So also He., who thinks it may have been first omitted after the interpolation (as he regards it) of lines 8–15 on the next page.

Chap. III. 36. Unum genus, i. e. *the theoretical* part of the inquiry.

37. Ad finem bonorum, *the ultimate* or *chief good:* i. e. the *end* on account of which man pursues, or ought to pursue, all other *goods*, and which is therefore the chief good, and consequently the only proper aim of man. On the other hand, from the contrast of various evils with corresponding goods arose the idea of an ultimate or highest evil, which would be called (whether it was so or not) the end of all other evils, *finis malorum.* Moreover, different philosophers differed as to what was the ultimate good and evil, and hence the subject and the title of Cicero's *De Finibus Bonorum et Malorum.* Arnold. See Introd., p. 139. **Alterum**, sc. *the practical* part of the inquiry.

38. Quibus, ablat. of means. **Partes**. See Lex. *s. v.* I. 17.

39. Usus—conformari, *the practice* or *conduct of life may be regulated.* He. **Possit.** C. 222; H. 497, I.; A. 317; G. 632.

2. Num quod. The reading of most MSS., adopted by Br., 10
O., and He. Zt. and Bl. have *num quid.* According to M. 90, 1, the indefinite *quid* is used as a substantive, *quod* as an adjective. **Quae, i. e.** all other things *which.*

3. Officiorum, the antecedent attracted into the relative clause and taking the same case with the relative. In such cases the relative clause precedes the demonstrative. M. 319.

5. Id, i. e. their relation to the highest good. Gr.

6. De quibus, etc., states the subject of the work.

7. Libris, abl. of place, usually without *in* when the contents of the whole book are referred to. M. 273, Obs. 1.

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10 **8. Atque—possit.** This passage is rejected as spurious by some critics on the ground that no reference is made to it in Chapter III. of the Third Book, where the same distinction is drawn; that it is a confused and awkward patchwork from that chapter and perhaps *De Fin.* III. 17, 58; and that **Triplex igitur, etc.** (line 16) is closely connected with **explicandum**, line 7. Gr. regards it as doubtful whether it is such an interpolation or a marginal note by Cicero himself, who, as he thinks, intended to revise the work. O. also brackets it. Br. leaves the passage untouched, not because he thinks the reading correct, but because it is doubtful what the proper emendation should be. **Alia divisio officii**, sc. according to the nature of duties; also given by the Stoics. The one previously mentioned had reference to the object or aim of life in general and in particular. Bl. **Meium**, *intermediate*, a literal rendering of the Stoic term μέσον (καθῆκον), meaning that which is neither good nor bad, but which lies between the really good and bad, and becomes a duty under certain circumstances. Cf. *De Fin.* III. 17, 58: *Officium medium quiddam esse, quod neque in bonis ponatur neque in contrariis.*

9. Perfectum, the equivalent of the Greek τέλειον (καθῆκον).

10. Rectum. See Lex. *s. v.* B. 2, a, and cf. *De Fin.* IV. 6: *Illud enim rectum est,* (κατόρθωμα dicebas,) *contingitque sapienti soli*; and III. 7: *Nos aut recta aut recte facta dicamus* (*illi autem appellant* κατορθώματα). **Vocemus.** See p. 8, line 2, note. **Quoniam.** The MS. reading adopted by Br., O., and He.; *quod* is preferred by Zt., Bl., and Gr.

11. Κατόρθωμα, *a right action;* "a true and perfect discharge of duty, which arises only from a morally perfect character, or which aims at a moral good." Zeller. **Hoc**, sc. *medium officium*, **commune officium** being the pred. accus. Gr.; **hoc commune**, *this common* duty, **officium**, (i. e. *merely duty*,) being the pred. accus. He. Bl. inserts καθῆκον as the pred. accus., required by the connection. **Commune**, explained by lines 5, 6 above, and p. 96, lines 9, 10, and 29, *that which men generally are capable of doing.* The term denotes an outward act which is becoming or proper in itself, but which can be called κατόρθωμα, only when done not from expediency, but for the sake of virtue itself. Gr.

12. Sic definiunt, ut—definiant. He. criticises this expression

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as redundant and this whole clause as a mere repetition of what 10
has just been stated. Zt. asserts that such phraseology is not uncommon in good writers, and cites *De Orat.* III. 10: *Sed usitatis ita poterit uti, lectissimis ut utatur;* Sall. *Cat.* 52, 23: *Eo fit ut impetus fiat in vacuam rem publicam.*

14. Quod. Notice the Latin usage which often connects the relative with a dependent verb instead of with the principal verb of the relative clause. See M. 445; Z. 804.

15. Probabilis, *capable of being approved.* C. 104, 36, 2; H. 333, 3; A. 164, *m.* The definition here given of *medium officium*, in contrast with *perfectum officium*, was also applied by the Stoics to the generic term *officium.* Cf. p. 40, line 5 *et seq.*; *De Fin.* III. 17, 58. "There were two correlative terms introduced by the early Stoics, Καθῆκον, signifying 'the suitable' and Κατόρθωμα, 'the right.' The 'right' could only be said of actions having perfect moral worth. The 'suitable' included all that fitted in harmoniously with the course of life—everything that could on good grounds be recommended or defended. This term, the 'suitable,' seems to fall short of the moral significance of what we mean by duty; and yet it is remarkable that this term became translated into Latin as *officium*, and thus really stands to our word 'duty' in the position of lineal antecedent." Grant's Ethics of Aristotle, Vol. I., p. 262. It is the *media officia* only, of which Cicero treats in this work (cf. p. 96, lines 7 *et seq.*); and the rest of the chapter states *the plan* of the treatise.

16. Triplex ut Panaetio videtur, etc. Cf. *ad. Att.* XVI. 11: Τὰ *περὶ τοῦ καθήκοντος, quatenus Panaetius, absolvi duobus. Illius tres sunt; sed quum initio divisisset ita, tria genera exquirendi, officii esse: unum, quum deliberemus, honestum an turpe sit; alterum, utile an inutile; tertium, quum haec inter se pugnare videantur, quomodo judicandum sit, qualis causa Reguli, redire honestum, manere utile; de duobus primis praeclare disseruit; de tertio pollicetur se deinceps, sed nihil scripsit.* **Consilii capiendi,** *respecting the resolution* or *measure to be adopted*, the course of conduct to be determined upon.

17. Aut, not followed, as regularly, by *aut, aut,* but by **Tum autem** (line 20) and **Tertium** (line 25). Similar deviations from the regular forms of expression, in order to conform the dis-

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10 course more to the style of conversation, very often occur in the dialogistic works of Cicero as well as in his epistles. He.

18. **Dubitant.** See Lex. I. B.

20. **Anquirunt** denotes a search on all sides for the reasons of things; **consultant,** a comparison or examination of their relative value and strength. Bl. and Gr. Zt. understands the former word to be an examination *by one's self alone,* and the latter a consultation *with others.*

22. **Facultates rerum,** lit., facility of use arising from possession of things, hence *possessions, property.* Gr.; **copias,** *abundance, wealth;* **opes,** *political influence.* Cf. p. 60, line 6; p. 77, line 22; p. 103, line 6.

24. For the use of **necne,** see C. 258, 10; H. 529, 3, 2); A. 211, Rem.; G. 461; M. 452.

25. **Rationem,** *category,* Gr.; *department, province.* He. See p. 40, line 1, note.

27. **Rapere, revocare** contrast the *eagerness and violence* of self-interest with the dignified *summons* of virtue to return to the right course. He.

29. **Afferat,** sc. *ad deliberationem.* He.

31. **Sit.** C. 204, 2, 1; H. 515, III.; A. 326; G. 588. **Praetermissa sunt,** sc. *a Panaetio,* because the Stoics did not admit that there were degrees in good and evil.

36. **Rationem,** *subject for consideration.* Cf. line 16: *Triplex consilii capiendi deliberatio.*

37. **De honesto,** sc. in the remainder of Book I.

38. **Dupliciter,** *under two heads,* sc. Chh. IV.–XLII., *de honesto;* Chh. XLIII.–XLV., *duobus propositis honestis, utrum honestius.* **Pari ratione,** i. e. *dupliciter,* sc. Book II., Chh. III.–XXIV., *de utili;* ch. XXV., *duobus propositis utilibus, utrum utilius.*

39. **De comparatione eorum,** sc. *honestum* and *utile,* in Book III. See Synopsis, p. 144.

11 **Chap. IV.** 1. **Principio,** *First of all.* It serves both to introduce the particular inquiry which is entered upon here, and to express the idea of *Originally.* Bl. Cf. p. 48, line 11; p. 98, line 18. The object of the chapter is to show, by an analysis of man's nature, that **honestum** is the thing suited to him as a rational being, and what the elements or cardinal virtues are of which it is composed. With the contents of the chapter cf. *De Fin.* II.

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14, 45–47; and see Introd., p. 144. **Animantium** has reference to *the present state*, *animal* to *the nature*. D. *s. Animal*. Sometimes the former is the more generic, and includes plants. Cf. *Tusc. Disp.* I. 10: *Frustraque et animalia et animantes appellari.* **A natura.** This expression personifies Nature as the giver. C. 173, 1; H. 415, I.; A. 246; G. 403. 11

2. **Vitam corpusque,** explanatory appositive to **se**. Hence the use of **que**. Gr. **Tueatur,** *care for,* stands in the present after a perfect, which represents *the present state* of affairs and a condition which has commenced. *Tueretur* would denote the design of Nature when she created living beings. M. 383, Obs. 2. For the relation of this clause to **est tributum,** see C. 208; H. 501, I.; A. 332, *a*.

5. **Commune,** neuter, because regarded as a substantive referring to some *attribute* or *characteristic* of a certain class in general. M. 211, b, Obs. 1.

6. **Item,** preferred to the MS. reading *autem*, by Br., O., and He., because it adds a thing of the same kind as that which has preceded, and there is no contrast.

8. **Beluam,** as well as *pecus*, is used of irrational beings, with intellectual reference as devoid of reason, in peculiar opposition to man. D. *s. Animal*. See line 1, note. Cf. p. 41, line 16, and *De Nat. Deor.: In homine mentem, in belua quiddam simile mentis, unde oriantur rerum appetitus.*

9. **Tantum, quantum,** *only so much as.* Cf. p. 49, line 23; *Tusc. Disp.* I. 13.

10. **Adest,** *is at hand*, refers to space; **praesens est,** to time. Gr. The former is opposed to **futurum,** the latter to **praeteritu-rum.** Bl. and Hn. The latter serves to strengthen the idea of *the present* in both local and temporal relation. Cf. *Tusc. Disp.* IV. 7, 14: *Quod sit ex usu jam praesens esse atque adesse.* He. See also D. *s. Adesse.*

11. **Se accommodat,** sc. in its conduct. He. **Admodum** may either *follow* the word it qualifies, as here and in *De Amicit.* IV., *in fin.*, or precede, as in *De Amicit.* XXI. and XXVI.

13. **Consequentia.** Notice the force of **con** here. See Lex. *s. v.* I. B., 2, b.

14. **Earumque,** sc. *causarum*. He., Gr. **Praegressus,** the reading of most MSS., adopted by Br., O., and He. By *causae antecedentes* the Stoics meant *mediate causes*, in opp. to *causae*

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11 *efficientes.* **Earumque—antecessiones** therefore means *the chain of causes* which contribute to produce a single event, in contrast to **consequentia.** Cf. *De Div.* I. 56: *Qui colligationem causarum omnium perspiciat animo.* Bl., however, who, with some others, reads *progressus*, refers **earum** to **rerum**, i. e., the connection of events forward (to their effects) and backward (to their causes), and cites *De Fin.* II. 14: *Quae* (sc. *mens*) *et causas rerum et consecutiones videat.* **Quasi** apologizes for the newly-made word **antecessio.** He. The latter occurs in only two other passages in Cicero (the *De Univ.* and the *Topica*), and in no other author. *Quasi* stands before a word to signify that it is used to express a thing figuratively and by way of approximation. M. 444, *a*, Obs. 2.

22. Coetus, the general expression for gatherings of every kind; **celebrationes,** *a numerous* assemblage for a specific object, particularly for the celebration of a festival. He. and Gr. See also D. *s. Concilium.*

24. Cultum, victum. The latter denotes that which sustains life, *food;* the former includes all other things necessary for the body in civilized life. See Lex. *s. v.* II. B. 2, and cf. p. 41, line 30.

27. Rem gerendam. This phrase more commonly refers to war or political affairs, but may denote, as here, business of any kind—the discharge of any of the duties of active life.

28. Inquisitio, the general term; **investigatio,** involves the accessory notion of taking pains. D. *s. Quaerere.*

33. Simplex, *guileless;* **sincerum,** *unfeigned.* **Que** unites them into one whole, which forms the complement of **verum.** Gr.

36. Informatus. See Lex. II. B.

37. Praecipienti is considered by some critics an interpolation, on the ground that if Cicero had wished to use both words he would have written *aut praecipienti et docenti.* It is supposed to have crept into the text as an explanation of **docenti,** which more properly means *to communicate truth;* while *praecipienti* means *to give precepts for one's conduct.* See D. *s. Doctor.*

38. Utilitatis, sc. *communis.*

39. Humanarum = *externarum*, i. e. external good and evil fortune. He. Cf. p. 28, line 31, and p. 29, line 5. **Contemptio,** *disregard of* or *indifference to.*

12 **1. Naturae rationisque,** *the rational nature.* Hendiadys. Cf.

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the phrases *natura ratioque*, line 7, and *Eademque--rationis*, 12
p. 11, line 18.

2. **Ordo.** For the meaning, cf. p. 53, ch. XL., and p. 48, line 7, note.

3. **Modus.** See Lex. *s. v.* I. B, and cf. *Hor. Sat.* I. 1, 106.

4. **Aspectu sentiuntur**, a circumlocution for *visibilia*, which was not yet in use in Cicero's time. He.

6. **Convenientiam**, *symmetry.* **Quam** = *quarum rerum*, referring to **pulchritudinem, etc.**, i. e. certain qualities of external objects. See p. 8, line 39, note, and cf. *De Fin.* V. 15; *De Nat. Deor.* II. 10, 27. **Similitudinem**, *the analogy.* He. T. interprets the clause, *transferring the idea of beauty, etc., from the objects of vision to the attributes of the soul.* Cf. *De Fin.* II. 14: *Cujus similitudine perspecta in formarum specie ac dignitate transitum est ad honestatem dictorum atque factorum.*

8. **Constantiam**, *moral symmetry, consistency.* Gr.

9. **Conservanda.** The reading of O., Br., He.; plural, because the subjects are not considered collectively as a whole, but are expressed as distinct. M. 213, a, 2. Several MSS. read *conservandam.* For the gender, see C. 113, 3; H. 439, 2; A. 187, *b*; G. 282.

10. **Indecore**, antithetic to **pulchritudinem; effeminate** to **constantiam**; (11.) **libidinose**, which means *bound to no law or order*,—acting from mere inclination,—to **ordinem.** Bl.

12. **Rebus**, *constituent parts, elements;* **conflatur**, *is fashioned*, properly used of the business of metal workers. Bl.

13. **Nobilitatum** = *multitudini probatum.* He.

14. **Honestum sit.** The reading of the MSS. and of Br., O., Gr., and Zt. *Est* is preferred by He. and Bl. The sentiment of this sentence was that of the Stoics in opposition to the Epicureans. Cf. *De Fin.* II. 15: *Quod sit ipsum per se rectum atque laudabile; non ob eam causam tamen illud dici esse honestum quia laudetur a multis, sed quia tale sit, ut, vel si ignorarent id homines vel si obmutuissent, sua tamen pulchritudine esset specieque laudabile.*

15. **Nullo** = *nemine*, which is not used in the best writers. M. 91; Z. 676.

Chap. V. 17. Formam, only embodies, **faciem** also personifies, virtue. D. Hence the use of **tamquam**, which expresses a merely conceived or imaginary similarity. Z. 282.

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12 **18. Honesti,** *moral good, virtue.* See Introd., p. 141, and cf. *De Fin.* II. 14; V. 21: See also D. *s. Bonus.*

19. Amores. The names of abstract ideas are often used in the plural when the idea (an activity, property, condition, being) is to be conceived as applying to several persons or things. M. 50, Obs. 3. **Ut ait Plato,** sc. in the Phaedrus, ch. 65, where, however, the remark is made respecting *wisdom* itself: Ὄψις . . . ἡ φρόνησις οὐχ ὁρᾶται, δεινοὺς γὰρ ἂν παρεῖχεν ἔρωτας, ἔι τι τοιοῦτον ἑαυτῆς ἐναργὲς εἴδωλον παρέιχετο ἐις ὄψιν ἰόν. Of this Cicero gives a translation in the *De Fin.* II. 16: *Quibus* (sc. *oculis*) *sapientiam non cernimus. Quam illa ardentes amores excitaret sui, si videretur.* **Sapientiae,** here put in the place of *virtue* itself, (*Honestum,*) because it lies at the foundation of all virtue. Cf. p. 57, line 4 *et seqq.* He.

20. Quattuor partium, *sources* or *elements;* i. e. particular virtues, for the exercise of which, it was shown in the preceding chapter, that man's nature was fitted, and which Cicero now proceeds to speak of in order.

21. Sollertia, *intelligent development.* Lex. Cf. lines 34–36: *quique . . . potest . . . explicare rationem.*

23. Rerum contractarum, *business engagements, contracts.* Cf. p. 8, line 37 and note.

26. Modestia. See Lex. *s. v.* II., C. Strictly, it is the *feeling of preference* for the proper measure or limit in conduct; **moderatio,** (p. 13, line 6;) *the habit of acting* in conformity to this feeling, and akin to *prudentia;* **temperantia,** a quality pervading the whole man and ennobling his whole being, akin to *sapientia.* D. *s. Modus.* Cicero elsewhere defines it as follows: *Temperantia est rationis in libidinem atque in alios non rectos impetus animi firma et moderata dominatio. De Inv.* II. 54. Here, however, these words signify the same virtue. Cf. p. 37, line 26; p. 53, line 29; p. 129, line 29: *Tusc. Disp.* III. 8, 16.

29. Ex ea parte—inest, an anacoluthon occasioned by the intervening clause in **qua—ponimus,** instead of *nascitur,* which would regularly have followed. He. **Prima descripta est,** *was first assigned a place* in the division. Bl. See **Lex.** *s. v.* II. B., 3.

30. Sapientiam and **prudentiam** here signify the same virtue. For the usual distinction between them, see **p. 57, line 6** *et seqq.*

31. Inest indagatio, i. e. *arises the duty of, etc.*

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32. Virtutis, here used to denote one of the four divisions (*partium*) of *Honestum*. **Munus**, *function*. For a similar use of the word, cf. *De Senect.* IX.: *Omne officii munus;* XI.: *Nullum officii aut omnino vitae munus;* and XX. For the meaning when *contrasted* with *officium*, see p. 9, line 31, note. 12

35. Rationem. See p. 40, line 1, note. **Is**, used instead of an adverb correlative to **ut**, because of the change in the preceding clause from **ut quisque** to **quique**. C. 304; H. 636, IV. 6; A. p. 298; G. 694.

36. Huio, i. e. *sapientia*.

37. Tractet. See p. 9, line 39, *possit*, note. **Subjecta materia**, is lit., *matter placed under to be handled, subject-matter*. Hn.

38. Reliquis—virtutibus, sc. *Justitia*, *Fortitudo*, and *Temperantia*. See Introd., p. 143. **Necessitates**, *the task*. He.; *the necessary external relations of life*. Bl. Cf. p. 58, line 27.

39. Quibus, ablat., which regularly follows *contineri* = *to consist of*, and not unfrequently when = *to be contained in*. Z. 452, *in fin.;* M. 255, Obs. 2.

1. Actio vitae, *practical life*. **Societas**, human society in general; **conjunctio**, the closer tie of kinship and friendship. Cf. p. 25, line 10. Bl. 13

5. Despiciendis, *not valuing; contemnere, not to fear; spernere, not to care for* or *desire*, though this distinction is not always observed. D. *s. Spernere*. **Ordo et constantia et moderatio**, are mentioned as together comprising what the Greeks styled σωφροσύνη, (the fourth division of *Honestum*,) because the Latin had no term precisely equivalent to it. See p. 12, lines 2, 8, 26, and notes.

6. His. The adjective **similis** is put in the best writers almost always with the genitive of the names of living beings, and with the genitive and dative promiscuously of other nouns. M. 247, b, Obs. 2. Cf. *Tusc. Disp.* I. 33: *Facie vel patris, vita omnium perditorum similis*, where the *same* case is used, though the two kinds of resemblance (external and internal) are contrasted; and *De Nat. Deor.* II. 59, 149, where *both* cases are used in the same sentence, though the same kind of resemblence is meant.

7. Eo genere, *that department of things*. T. **Actio**, i. e. *outward action*. Gr.

8. Rebus, dative, which is sometimes found with some transi-

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13 tive verbs compounded with *ad*, though in classic prose the accus. with *ad*, even without its proper signification, is preferred. M. 243, Obs. 1; Z. 416.

9. **Honestatem,** virtue in general; **decus** here = *decorum*. For the meaning of the latter, cf. p. 37, line 28 *et seqq.*

Chap. VI. SAPIENTIA VEL PRUDENTIA. See Synopsis, p. 144.

11. **Locis,** *parts* or *heads*. Cf. the use of this word on p. 28, line 26, p. 94, line 25; of **partes,** p. 12, line 20; of **fonte,** p. 14, line 1; of **ratio,** line 4; and of **genera,** p. 27, line 2; each, of course, having its own accessory notion. Gr. **Naturam,** *essence*, from which spring the four cardinal virtues: **vim,** from which proceed the duties belonging to each of these. Gr.

13. **Attingit,** *is connected with* or *suited to*. Cf. p. 22, line 38; p. 58, line 21. On the sentiment, cf. p. 57, line 4 *et seqq.*

14. **Trahimer,** sc. by the impulse of nature; **ducimur,** by reason. Cf. *Pro Arch.* 11. **Cognitionis,** an *act* of the mind by which knowledge is acquired; **scientia,** a *state* of the mind; and it implies a thorough knowledge of its object. D. *s. Cognitio.*

16. **Labi,** to err in one's conduct; **errare,** to mistake falsehood for truth; **nesciri,** to be in total ignorance; **decipi,** to be led astray by others. Hn. Cf. p. 38, line 1.

17. **Genere,** *department of duty*, i. e. the seeking for knowledge.

24. **Easdem,** often used where something new is said of a person or thing already mentioned, to denote either *similarity* (as here) or a contrast. M. 488; Z. 697.

26. **Operae,** partitive genitive depending upon **quod.**

27. **Astrologia** here = *astronomia*. See Lex. *sub vocibus*. **C. Sulpicium,** subject of omitted infin. *fecisse* = *operam posuisse*. C. Sulpicius Galus was consul B. C. 166, an eminent orator and Greek scholar. His knowledge of astronomy is often mentioned by Cicero. See Class. Dict.

28. **Sex Pompeium,** uncle of Cn. Pompeius Magnus, the triumvir. Cicero, in his *Brutus*, speaks of his thorough knowledge of jurisprudence, geometry, and the Stoic philosophy.

30. **Artes,** *sciences*.

31. **Contra officium** = *officio contrarium*, and so forms the predicate with **est.** Cf. p. 22, line 2. On the sentiment of this clause, cf. ch. XLIII.

32. **Actione.** Cf. line 7, and note.

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34. Ad studia, e. g. all such scientific studies as are mentioned in the preceding sentences. **Reditus**, *occasions of return*. He. **Tum** = *praeterea*. Bl. 13

35. Studiis Cogitationis, the reading of most MSS., and adopted by Br. and Zt.; e. g., in contrast to **ad studia** above, *meditations upon the true and the good*. Zt. Heusinger limits the phrase to *investigations into the nature of our own mind*. *Cognitionis* is preferred by O., He., and Gr.

36. Sine opera nostra, i. e. without hearing, reading, or writing; even when engaged in business pursuits.

37. Motus, *activity*.

Chap. VII. JUSTITIA. See Introd., p. 144. 14

3. Reliquis, sc. *rationibus*.

4. Ratio here = *pars, locus*, as the expression **De tribus reliquis** shows. Gr. See p. 13, line 11, and cf. p. 62, line 34.

5. Communitas occurs very rarely except in Cicero. Hence the use of **quasi**. See p. 11, line 14, note.

7. Viri boni, pred. nom. The phrase, in a *political* sense, means either *patriots* or *aristocrats*, e. g. *De Leg.* III. 9, 20; in a juridical sense, *men of honor* against whose uprightness there is no ground of suspicion, e. g. p. 72, line 26, and p. 115, line 17–36; in a philosophical sense the *perfectly virtuous*, e. g. *Tusc. Disp.* V. 10, 28: *Omnibus enim virtutibus instructos tum sapientes tum viros bonos dicimus*. He. The subject of the verb is indefinite, or *homines* may be supplied. The meaning of the clause is that *justitia* is the standard by which we measure the moral goodness of a man, so that *vir bonus* and *vir justus* are convertible terms in popular language. Hn.

8. Quam. M. 393, c, Obs. 2; Z. 601. Strictly, **benignitas** is acting from an unselfish spirit; **liberalitas** has reference to one's own rank and the merit of the receiver. D. *s. Largus*.

10. Ut ne. C. 206, 3; H. 499, 1; A. 317; G. 546.

11. Nisi lacessitus injuria, yet even then, not necessarily to gratify revenge, but to protect society. Hn.

12. Pro communibus, *as common property*, i. e. to which no one has an exclusive claim, e. g. roads, springs, pastures. Gr. **Suis** strictly refers to the subject of **utatur**, but is used as = *privatis*: He.

14. Ut qui, i. e. *ut occupatione tenent qui*. He.

15. Lege. The reference is to the assignment of territory by

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14 the state to colonies and municipia, which were established by *a law*, and under very different conditions and terms (*pactione, conditione*). This land then remained common property, either *in publico* or *in privato usu*, and is here distinct from the **privatarum possessionum discriptio** (line 18). He. The law passed for founding a colony fixed the quantity of land that was to be distributed, and how much was to be assigned to each person. This assignment was made **sorte**, *by lot*. See Lex. s. *Ager*, I.

16. Ager Arpinus, *the territory of Arpinum*. **Arpinatium**. For the form, C. 29, ix. 3; H. 64, 2, 3; A. 54, 3; G. 54, Rem. For the construction, C. 135; H. 402; A. 214, *c*; G. 365.

18. Discriptio, *distribution*, the reading of Br., O., and He. Most MSS. have *descriptio*. Cf. p. 24, line 10, *discripta*. **Ex quo**, *wherefore*.

19. Quia regularly introduces a fact; **quoniam**, *since* (line 22), has reference to motives; **quod** (p. 11, line 12) regularly introduces an allegation, yet often has the objective meaning of *quia*. Arn. **Suum**, *the property*. It forms the predicate with **fit**, the subject of which is *aliquid* (understood), limited by **eorum**. Gr.

20. Cuique almost always stands in the relative clause, commonly immediately after the relative. Sometimes it is repeated, as here. M. 495. **Obtigit**, like *obvenit*, properly denotes what falls to one's *lot*. D. *s. Accidere*. **Teneat**, C. 203, 1; H. 483; A. 266; G. 253.

21. De quo, i. e. anything *from that* which has become private property. He.

23. Solum, instead of the adj. *solis*, though the latter is the more common usage. M. 300, **c**. **Ortus, etc.**, i. e. our existence is a good of which a share belongs, etc. **Que**, *et* or *ac* is employed where in English *but* is used, if a negative clause is followed by an affirmative in which the same thought is expressed or continued. M. 433, Obs. 2.

26. Creari is used, depending upon the subordinate clause, **ut placet**, by anacoluthon, instead of *creantur*, introduced by **quoniam**. He. In the *De Fin*. III. 20, 67, Cicero attributes this sentiment to Chrysippus.

27. Inter se. H. 448, note; A. 196, *f*; G. 212. **Alii alii**. C. 119, 9, *e*; H. 459, 1; A. 203, *c*; G. 306.

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28. **Naturam sequi**, an expression equivalent to the ethical 14
maxim of the Stoics, "to live according to nature." **Communes—afferre**, *to contribute to the common advantage.* See Lex. *s. Medius*, II. B, 1.

29. **Mutatione officiorum**, *interchange of services.* Gr.

30. **Dando accipiendo**, explanatory of the preceding phrase. **Tum, tum.** M. 435, Obs. 3, and cf. p. 58, line 35. **Artibus.** Cf. p. 55, line 37, and p. 56, lines 5 and 10. **Facultatibus.** See p. 10, line 22, note.

33. **Dictorum conventorumque**, *promises and compacts.* **Constantia**, *steadfastness.*

34. **Cupiam**, not of frequent occurrence: differing from *quisquam* in being properly used only in affirmative clauses, and, like *quisquam*, rather more indefinite than *aliquis.* M. 493, *b*; Z. 129.

35. **Durius**, *harsh* or *forced.* Cf. *Tusc. Disp.* III. 8: *Et erit hoc fortasse durius.*

37. **Dictum est.** For the mood, C. 226, note 1; H. 524, 2, 2; A. 336, *b*; G. 631, 2.

2. **Aliqua**, in some places (e. g. in enumerations) nearly equiva- 15
lent to *alia aliqua*, though the word itself does not bear this signification. M. 493, a.

3. **Perturbatione.** For the technical meaning of this word, cf. *Tusc. Disp.* IV. 5 and 6: e. g. *motus turbidos tum irae tum cupiditatis contrarios inimicosque rationi; aversa a recta ratione contra naturam, animi commotio, etc.* **Quasi** refers to the whole clause **manus affere socio**; which is to be explained by the Stoic doctrine that all rational beings are *associates* in one community. He.

5. **In vitio**, *at fault.* It is equivalent to a predicate adjective. Cf. p. 27, line 22; p. 21, line 35; and p. 23, line 1.

8. **Nocere.** For the mood, C. 242, 5; H. 533, I. 1; A. 271, *a*; G. 546, Rem, 1.

10. **Maximam partem**, *for the most part*, contrasted with saepe above. C. 128, 2; H. 378, 2; A. 240, *c*; G. 331, 3.

11. **Aggrediunter**, sc. *homines.*

12. **Quo vitio**, sc. doing injustice in order to gain something desired. He. **Latissime patet**, i. e. is the most frequent form of this second motive for committing the first kind of injustice.

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15 **Chap. VIII.** Discussion of this second motive. See Introd., p. 144.

14. Perfruendas voluptates. This gerundive (and that of the other deponents which have their object in the ablat.) is used like that of a common transitive verb which governs the accus. M. 265, Obs. 2 and 421, a, Obs. 2. Cf. Z. 657.

15. Major animus, *a loftier spirit.*

17. Nuper, sc. more than nine years before. As a particle of time it has a relative value, but generally denotes a time less recent than **modo.** Cf. *De Nat. Deor.* II. 56: *Nuper id est paucis ante saeculis;* line 33, *modo;* **M. Licinius Crassus** Dives, the triumvir, noted for his immense wealth.

18. Pecuniam, *property* of any kind, personal or real. Hn.

19. Fructibus, *income.* **Cujus posset,** relative for conditional clause. C. 221; H. 507, 2; A. 316; G. 594. According to Mom., his whole estate at the outset of his career was equivalent in value to $350,000; at its close, after lavishing enormous sums on the people, equivalent to $8,500,000.

20. Apparatus, great external magnificence, especially in houses, decorations, furniture, libraries, works of art, plate, and dress. **Cultus.** See p. 11, line 24, note.

21. Cum—copia, i. e. *elegans et copiosus,* a substitution of a preposition and noun for an adjective, which is not uncommon.

22. Esset. For the tense, see C. 234, 4; H. 495, I.; A. 287, *a* G. 511, Rem. 2, and 519.

23. Nocens, is equivalent to a conditional clause. See C. 250; H. 549, 2; A. 292; G. 670.

The third motive for injustice.

26. Imperiorum denotes a military and absolute power not incident to any office, but especially conferred by a *lex curiata* upon consuls, praetors, and dictators, exercised only out of the city, and without which no military operation could be conducted in the name of the State. **Honorum,** all magisterial and priestly offices other than those *cum imperio.* Dict. Antiqq.

27. Apud Ennium. It has been conjectured that this quotation is from the *Thyestes,* but cannot be certainly known. He.

28. Nulla, etc., are respectively the end and the beginning of trochaic tetrameter catalectic verses. Bl. For the feet, C. 290, 2; H. 620; A. 367; G. 749, 6.

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29. **Regni**, i. e. when one strives to gain or to maintain the 15
sovereignty.

30. **Latius patet**, *has a wider application.*

32. **Sanctam**, predicate accusative.

33. **C. Julii Caesaris**, the Dictator.

35. **Quem finxerat**, *of which he had formed an erroneous idea*, i. e. which he had erroneously pictured to himself as the summit of happiness. Garve. Cf. p. 118, line 14–18. Bl.

36. **In hoc genere**, i. e. in this department of morals of which Cicero is now treating. **Molestum.** Cf. **odiosum**, p. 28, line 3.

2. **Cavendum est** is usually followed by **ne** (the imperative 16
cave, often without **ne**); in the sense of *to take care of a thing*, by **ut**; in the sense of *to avoid*, sometimes by the infinitive. M. 375, **a**; **Z.** 534.

5 **Ad tempus.** See Lex. *s. v.* II. C. 2, and cf. p. 79, line 25. **Consulto et cogitata.** Such a combination of an adv. and adjec. is much less frequent in Cicero than in later writers. Cf. p. 42, line 8; p. 51, line 23. He.

6. **Leviora enim, etc.**, a deviation from the Stoic doctrine that all sins were equal.

7. **Motu**, *impulse.* **Meditata**, *premeditated*, used in a passive sense, as are sometimes the perfect participles of a number of other deponents, of which a list is given in Z. 632; M. 153.

Chap. IX. The second kind of injustice.

11. **Nam**, *namely.* When a general description is followed by something more special, no such particle as the English *namely* is used in Latin. If an explanation is added in a new proposition, *nam* and *enim* are made use of. M. 435, Obs. 4; Z. 345, note.

13. **Negligentia**, *carelessness;* **pigritia**, *natural sloth;* **inertia**, inactivity arising from want of skill or moral principle. Hn.

16. **Videndum est ne.** In the sense of *to consider, to look to it*, **videre** is followed either by **ut** or **ne**, just as the verbs denoting fear; in the sense of **curare**, by **ut**. Cf. p. 22, line 2; p. 54, line 20. Z. 534; M. 372, b, Obs. 1. **Apud Platonem**, sc. *De Repub.* VII., p. 520, D, where Plato maintains that the only proper ministers of state are philosophers, because they are the only men who are free from ambition and selfishness. Hn.

17. **In**, *respecting.*

22. **In alterum incidunt.** Unger considers the whole sen-

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16 tence spurious in which this phrase stands. Billerbeck and Cs. omit **justitiae,** and Gr., **justitiae genus,** in line 21; and Gernhard inserts *injustitiae* after **incidunt,** which He. says is grammatically impossible and logically false. Since Cicero is here speaking of two kinds of *injustice*, others think the connection requires the substitution of *injustitiae genus vitant.* See line 21. O., Bl., and He., following the reading of a later MS., substitute, in line 22, *in altero delinquunt;* though He. admits that it can scarcely be explained how out of this reading could have arisen that of all the better MSS., which has been adopted by Br. and Zt., and is given in the text. Ernesti regards *incidere* as here = *offendere* or *violare*, and gives several instances of a similar use: e. g. *Verr.* I. 12, 32: *Incidere in aliquem; De Fat.* 8: *Ne ipse incidat in Diodorum* (i. e. *in ejus sententiam*); *Pro Planc.* 7: *In me incurrit atque incidit; Pro Rosc. Amer.* 52: *In milites de improviso incidant*, transl. by Riddle's Lex., *attack.* White and Riddle's Lex. gives under *Incidere* II. C. 2, a, *to stumble upon, blunder upon*, and cites this passage; and under b, *to attack, assail.* Zt. regards **alterum,** in line 22, as used substantively: *they fall into something else.*

25. **Putat,** sc. Plato. The reference is probably to *De Rep.* I., p. 347, C. Bl. **Erat.** For the mood, see C. 196; H. 476, 5; A. 264, *b*; G. 246, Rem. 1; M. 348, c, Obs.

26. **Ita si,** often = *only on condition that.* Arn. See also M. 442, a; Z. 726. **Quod—fit,** i. e. is right *in itself*; an adjunct of **hoc ipsum.**

27. **Studio,** ablat. of the *motive* (in the agent himself); which, however, is found most frequently with intrans. and passive verbs which denote the state of mind of the subject, and more especially with their participles when they qualify the subject of a proposition, where in English we often only say, *out of.* M. 256, Obs. 1.

28. **Suum,** i. e. their own *only.*

29. **Nec.** Several MSS. read *ne*, but the motive for retirement to private life is already indicated in **studio** and **odio.**

33. **Facultatum,** *resources.*

36. **Contineretur.** See p. 15, line 22, note.

37. **Temporis,** = *situation, occasion, circumstances.* Cf. p. 17, line 18; p. 59, line 11; and in the plural very frequently. Cf. p. 17, line 10; p. 20, line 23. Gr.

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38. Ipsos, in the same case with the personal pronoun because 16
it is indicated that the action is exerted upon the subject and not on other persons. M. 487, b. The whole phrase = *unless we are extremely selfish*. He. **Amabimus.** For the tense, C. 191, 3; H. 470, 2; A. 278, *b*; G. 234, Rem. 1. **Est enim**, etc., sc. because of self-love, as the sentence *sed tamen quia* (p. 17, line 2) proves. **Enim**, therefore, joins closely to the subordinate clause **nisi nosmet ipsos**, etc. He.

39. Quamquam, *and yet*, in an independent clause, introduces a remark by which the preceding statement is limited, softened, or corrected. M. 443; Z. 341, note *in fin.* **Terentianus ille Chremes**, a character in a play of Terence entitled "The Self-Tormentor."

1. Humani, etc., from Act I., Scene 7, 25. The connection in 17
which the verse occurs is as follows:

MENEDEMUS. *Chreme, tantumne est ab re tua oti tibi*
Aliena ut cures, eaque nihil quae ad te attinent?
CHREMES. *Homo sum: humani nihil a me alienum puto.*

Humani, *that belongs to mankind*, refers not to the errors or frailties of men, but to the good and evil which may befall them; and by this sentiment Chremes seeks to apologize for his inquisitiveness about his neighbor's affairs.

2. Sed tamen, etc., i. e. *But still, even if we do cherish this feeling of interest in the welfare of others.* Gr. **Percipimus atque sentimus**, a Hysteron Proteron. The feeling precedes the perception. He.

5. Ac, *than*, after adjectives and adverbs of unlikeness; after those of likeness, *as*. C. 257, 7; H. 554, I. 2, note; A. 156, *a*; G. 646.

6. Qui vetant, etc., not the teaching of a philosophical school, but a sentiment often expressed among the Romans. He. Cf. *Plin. Epist.* I. 18.

7. Agere. After *veto*, *ne* with the subjunctive is very rare; and if the person to whom a thing is forbidden is not specified, a simple infinitive may follow, though it is more usual, when the infin. has an object, to express the purport of the prohibition in the passive by an accus. with the infin. M. 390, Obs. 3. **Dubites.** C. 223, 1; H. 503, I.; A. 320; G. 633.

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17 8. **Cogitationem—injuriae**, i. e. is a sign of the consciousness of a possible injustice. Gr.

Chap. X. See Synopsis, p. 143.

11. **Eoque.** See p. 7, line 2, *idque*, note.

12. **Commutantur fiuntque contraria.** Hendiadys.

13. **Depositum**, any movable thing given by one man to another to keep until it was demanded back, and without any reward for the trouble of keeping it. The *depositarius* was bound to take care of it, not to use it except by permission, and to restore it on demand. He was entitled to all costs and expenses incurred by his charge. Dict. Antiqq.

14. **Migrare.** See Lex. II. B.

15. **Referre ad** = *to have reference to* something, *in order* to pass judgment according to it. Gr.

16. **Principio**, sc. of this topic. See p. 14, line 10 *et seqq.*

18. **Ea**, sc. these principles just mentioned, or, more properly, their application. Gr.; a careless expression, for only the circumstances under which they come to be applied, change. He.

20. **Ut** depends not upon **accidere**, but upon **promissum**, i. e. *tale promissum, ut*, instead of a relative pronoun *quod*. He. Cf. p. 59, line 11; p. 122, line 1.

22. **In fabulis.** Cf. p. 122, line 10 *et seqq.*

26. **Iratus**, sc. by the accusation of his wife Phaedra, that Hippolytus (her step-son) had made improper proposals to her. **Maximos luctus**, sc. on learning, after the death of Hippolytus, that he was innocent of the charge. The horses of Hippolytus, frightened by a sea-monster sent by Neptune, dashed his chariot to pieces and dragged him till he was dead.

30. **Ut**, *for example.* **Constitueris.** See Lex. II., D, 1, *b*.

31. **Advocatum**, a technical judicial term for one who gave his advice or aid in the management of a case in court; but in the time of Cicero, the word did not signify the orator or *patronus* who made the speech. Dict. Antiqq. **In rem praesentem** *venire* = lit., *to come to the place itself* for the sake of a closer examination. As a legal technical expression, it had reference originally to the practice of the litigants', and sometimes of the judge's, adjourning to the spot of ground which was the subject of litigation, for personal inspection; then ordinarily = *to appear in court.*

33. **Non sit**, *it would not be.* M. 370, Obs. 1.

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35. Illis. The ablat. alone, and rarely with *in*, follows *stare* 17
= *to abide by.* M. 267.

36. Standum esse. From intrans. verbs (which otherwise have no gerundive) the neuter of the gerundive is used as *an impersonal phrase.* M. 421, a.

37. Quis, instead of *aliquis*, because the indefinite subject is unemphatic. **Metu, dolo.** C. 166; H. 416, note 1; A. 245; G. 407, 1.

38. Jure praetorio. The edicts of the praetors, in which each praetor, on entering office, announced the principles which he intended to follow in administering it, were the source of the *Jus praetorium* which supplemented and amended the statute laws, especially from the stand-point of existing custom and natural equity. From these edicts was thus derived the most valuable part of the Roman law. See Dict. Antiqq. **Liberantur**, *annulled, cancelled.*

39. Legibus, e. g. the Twelve Tables and the Aquilian and Plaetorian laws. Cf. p. 110, line 24 *et seqq.* **Calumnia**, *chicanery*, explained by the following clause. He.

2. Summum jus, etc., i. e. the strictest legal right may be 18
the greatest moral wrong. Gr. The verb *est* is generally omitted in short and pithy general judgments and sentences. M. 479, a.

4. Re publica, *affairs of state.*

5. Ille, etc. Plutarch relates this of the Spartan king, Cleomenes. A similar instance is mentioned by Strabo of the Thracians when at war with the Boeotians. He.

7. Noster, *our countryman.*

8. Q. Fabiom Labeonem, consul B. C. 183, and distinguished as an orator.

10. Auditum = *id quod audivi.* Gr.

12. Utrisque. See p. 7, line 18, note. **Locutum**, sc. *esse*, depends on the parenthetical clause **verum est** by an anacoluthon, instead of the regular construction, *probandus Labeo, qui locutus est.* He. **Cupide**, *passionately.*

13. Appetenter, *greedily.* Bl. **Regredi**, i. e. claim less than they thought they were entitled to.

14. Aliquantum asserts the existence of some, and generally implies that it is a *considerable* quantity. It is often used with a genitive. Arn.

17. Quidem, emphatic.

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18 **18. Quocirca**, like *quapropter*, refers to a number of grounds collectively, some of which may be implied only, i. e. *for these and similar reasons;* **quare** (line 30) and *quamobrem*, to one definite ground distinctly stated. Arn.

19. Sollertia, *craftiness, subtlety.*

Chap. XI. 20. Autem. See p. 7, line 20, note. **At** (line 35) has an emphatic adversative force, connecting notions that are opposed to each other or contrasted with each other (*on the other hand*); **sed** (line 36) denotes something which alters, limits, or sets aside what goes before. M. 437. **Adversus** may either denote hostility, like *contra*, or a friendly disposition, like *erga;* here, the latter. Z. 299.

22. Modus, *limit.* See p. 12, lines 3 and 26, and notes. **Haud** does not occur in good prose with verbs except in this phrase, **haud scio an**, which, by an ellipsis of the first member of the double question, acquires the meaning *perhaps*, and denotes a suspicion that the thing is. M. 453, *in fin.*

23. Eum—poenitere, sc. in consequence of the punishment. Gr. Cf. p. 66, line 2–4. This *does not exclude* the punishment, but only lays down as the principle to regulate the infliction of it, the improvement of the offender and the deterring of others. He.

24. Ne quid tale, sc. *faciat.* An ellipsis of the verb has become a general usage in certain expressions, especially in familiar discourse. M. 479, **d**. Cf. p. 33, line 27.

25. Tardiores, *less disposed.* Gr.

28. Illud, hoc. C. 116, 4; H. 450, 2; A. 102; G. 290 and 292.

33. Tusculanos, etc. Tusculum was compelled, in B. C. 381, to give up its commonwealth and to enter into the burgess-union of Rome. In 286 B. C. all the communities of the Sabines, who were closely related to the Romans, and about the same time a number of communities of the former Volscian territory, were compelled to enter the ranks *of the full Roman burgesses.* The Hernicans were finally subdued in B. C. 306, and the Aequi in B. C. 302; and both were granted citizenship without the right of suffrage. Mom.

36. Nollem. A wish which one would entertain under other circumstances, but which cannot now be fulfilled, is expressed by *vellem, nollem, mallem.* M. 350, **b**, Obs. 1. **Corinthum**, sc.

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sustulissent or *eos sustulisse*. See C. 242, 1; H. 535, II. and note; A. 331, *b*; G. 532, Rem. 1. 18

37. **Aliquid secutos,** *had some special reason* for what they did. He. Cf. p. 106, line 14 *et seqq*. **Opportunitatem loci.** The city completely commanded the three passes in the mountains which alone led from the isthmus to the Peloponnesus, and in consequence of its position on the Corinthian and Saronic gulfs, formed by far the most direct communication between the two principal Grecian seas, and thus became the emporium of the trade between the East and the West. Dict. Geog.

38. **Locus,** *the location, position.*

1. **Mihi—obtemperatum,** sc. at the opening of the civil war 19
between Caesar and Pompey, when Cicero repeatedly sought to bring about a reconciliation between them. He. Notice the use of *obtemperare*, which denotes obedience as an *act of free will*, from persuasion, esteem, or fear, in contrast to *obsequi*, which is to obey from love and complaisance, and to *parere* and *obedire*, which denotes obedience as an obligation. D. *s. Parere.*

2. **Aliquam,** here used in both a quantitative sense, as the opposite of *nullam*, and a qualitative sense, in contrast to **optimam.** Gr. *Aliquis* is emphatic, and precedes the substantive when it means *some at all events*, *some if not much;* it generally follows the substantive when both are unemphatic. Arn. For the difference between it and other indefinites, see p. 14, line 34; p. 17, line 37, and notes.

3. **Quae nunc nulla est.** In familiar writing and speaking, and in imitations of the same, *nullus* is sometimes used in apposition to the subject instead of *non*, occasionally with an intensive signification, *not at all*. M. 455, Obs. 5. Cf. p. 61, line 9; p. 69, line 30; *Tusc. Disp.* I. 6, 11. The allusion here is to the illegal assumption of power by Antony.

5. **Ad fidem.** See Lex. *s. Fides*, II. B, 2. The same phrase or *in fidem* is to be supplied with **recipiendi.**

6. **Quamvis percusserit.** A city that surrendered before the battering-rams began their attack on the walls received favorable terms. After that it was given up to pillage. The sentiment here is that the severity of this treatment ought to be relaxed.

9. **Patroni,** i. e. stood in a relation similar to that of the patricians to their clients, as advisers, defenders, and agents to

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19 care for their political and commercial interests. Such was the relation of the Scipios to Africa, Aem. Paullus to Macedonia, the Marcelli to Sicily, the Fabii to the Allobroges, and Cato to Cyprus. He. **Belli aequitas**, i. e. not merely strict justice with reference to both sides, but also what humanity and fairness required. Gr.

10. Fetiali jure. The collection of rules which prescribed the functions of the Fetiales in connection with the declaration and the conduct of war. The Fetiales were a college of twenty state-heralds, whose province it was to preserve traditionally the remembrance of treaties, to pronounce an authoritative opinion on alleged infractions of treaty-rights, in case of need to demand satisfaction and declare war, with certain religious rites, and to preside at the formal ratification of peace. Mom.

11. Ex quo, sc. *jure*. T.

12. Rebus repetitis. See Lex. *s. Repeto,* II. B, 2, a. The formal and public declaration of war by the Romans was either conditional or pure; the former when it was made *cum rerum repetitione,* "a formal demand for the restoration of the things in question." Hn. A respite of thirty-three days after this demand was originally required by the Fetial law.

13. Denunciatum et indictum, the latter word added in order to denote a formal declaration. Gr. A *pure* declaration of war, for which *indictio* was the proper term, was without any condition; as, when an injury could not be redressed, or when war was first declared by the other party. Hn. **Popilius—movendo,** bracketed by Br., O., He., and Gr., and considered spurious by the two latter on the ground that this and the following anecdote relate the same occurrence in a little different form, and yet are contradictory, since Popilius conducted war in his consulship against the Ligurians, not against Perseus; that the first anecdote interrupts the train of thought, since the sentence **Adeo—movendo** shows that Cicero is still speaking respecting the entering upon wars; that **Popilius—provinciam** is a vague and un-Roman style of designation; that the tense of **patitur** and **obliget** is grammatically incorrect; that **priore amisso** cannot properly mean *since the former oaths had been cancelled;* and that *bellum movere* (=*bellum incipere*) is not a Ciceronian expression. The second anecdote agrees with Plutarch's account; there is nothing objectionable in the phraseology, and

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it is correctly joined to the sentence before **Popilius**, etc. by 19
quidem, which often introduces an example illustrative of a general statement. Yet this account also would have to be considered spurious did not Cicero often pay little regard to the connection in his selection of anecdotes, since it proves nothing as to the scrupulousness of the Romans in the matter of declaring war. He. **M. Popilius Laenas**, consul B. C. 173, who was sent with an army against the Ligurian mountaineers, conquered them in a pitched battle, after great slaughter, sold the remainder of the tribe as slaves, and plundered and destroyed their city. Dict. Biog.

15. Catonis filius. M. Cato Licinianus, the elder son of Cato the censor, distinguished as a soldier and jurist.

16. Dimittere, *to discharge.*

19. Patitur. So most of the MSS., Br., O., and He. One MS. and Gr. have *patiatur;* Bl. and Zt., *pateretur.*

20. Obliget. For the mood, C. 228, 2, 1; H. 523, III., note; A. 339; G. 655. The *present* tense is a violation of the rule for sequence, which admits only a clause of *result* in the present after an historical tense. C. 234, 2; H. 495, VI.; A. 287, *c*; G. 513. Bl. refers to Z. 512, note, where other passages are referred to as irregularities which cannot be explained.

22. Adeo—observatio, i. e. so scrupulously did they conform to the prescribed rules. **Movendo,** *entering upon.* Cf. Liv. IV. 58: *Bellum motum ob superbum responsum Veientis Senatus.* Bl., however, considers it = *gerendo.*

23. Est, *there is extant.*

24. Missum factum esse, *had been dismissed.* See Lex. *s. Mitto,* II. G.

25. Bello Persico, the war with Perseus, king of Macedonia, whose defeat, B. C. 167, by Aemilius Paullus, brought Macedonia into the possession of the Romans.

28. Pugnare, subject of **jus esse.** Some few substantives which may be constructed with the genitive of the gerund may acquire, in conjunction with *est,* the force of an impersonal expression after which the infinitive is used. M. 417, Obs. 2. The infin. makes more prominent the adjective or verbal signification. Cf. p. 105, line 14.

Chap. XII. 29. Equidem, *For my part.* **Quod—vocaretur,** a casual clause subordinate to **lenitate—mitigatam.**

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19 **30. Perduellis.** Cf. p. 126, line 26. **Hostis**, akin to Sanscrit root GHAS, (whence Eng. *guest*,) *to eat; a stranger*, as one who is entertained at table.

33. Duodecim tabulae. The laws prepared by the Decemviri, B. C. 451, were adopted by the people, engraved on ten tablets of copper, and affixed in the Forum to the rostra in front of the senate-house. Two more tables were added the next year; and thus originated the first and only Roman code. It became the foundation of the *Jus civile.*

34. Statvs dies, *a day fixed* for appearance in court. Gr. Ortolan (Hist. of Rom. Law, Eng. transl.) renders the phrase, *an engagement with a peregrinus*, and entitles the "Second Table," to which it has been assigned, JUDICIAL PROCEEDINGS.

35. Aeterna avctoritas, *perpetual right of possession*, sc. *civi Romano esto.* Bl. I. e. the Roman citizen has against the foreigner a right of possession terminating by no prescription, or an inextinguishable validity of possession. Gr. This phrase is located in the Third Table (THE EXECUTION OF THE SENTENCE) by Dirksen and by Schoell; in the Sixth Table (DOMINION AND POSSESSION) by Ortolan, who renders: *No possession by an alien, however long, can vest in him the property of a citizen.*

36. Quicum. An old form of the ablat. sing. M. 86, Obs. 2.

37. Appellare, in apposition to **mansuetudinem**, instead of the usual construction of the gerund. Gr. Cf. line 28, and note. This construction is rare, and is never found with *an undefined* substantive. M. 388, **b**, Obs. 1.

38. Vetustas, i. e. length of time and the usage arising out of it. Gr. **A peregrino recessit**, *has lost the signification of foreigner.*

39. Ferret. For the mood, see C. 202, 1; H. 486, III; A. 311, *b*; G. 252. For the tense, see also p. 15, line 22, note.

20 **5. Cum civi aliter**, the reading adopted by Br., O., He., Zt. The MSS. read *quum civiliter*, and insert *aliter* after *contendimus;* and this reading is preferred by Bl. and Gr.

7. Altero. . . altero. The *first* here refers to the latter of the two objects previously mentioned, according to the more general usage. C. 119, 9, *b*; H. 459, 3; A. 203, *b*; G. 321. Cf. p. 114, line 35; and for the less frequent usage, p. 30, line 4 and p. 36, line 24.

8. Celtiberis, whose chief city, Numantia, Scipio Afric. Minor

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had overthrown; **Cimbris**, whose threatened invasion of Italy Marius prevented by his victory over them near Vercellae, in the northern part of Italy, in B. C. 101. 20

11. **Pyrrho**, king of Epirus, who entered Italy on the invitation of the Tarentines, B. C. 280, and remained there, in conflict with the Romans, and in Sicily about five years.

12. **Crudelis Hannibal.** The usual reproach of the Romans against this general and his countrymen. Cf. p. 124, line 14. But Mommsen's opinion is that "nothing authentic occurs in the accounts regarding Hannibal which may not be justified in the circumstances and according to the international law of the times."

13. **Illa praeclara**, quoted from the 6th Book of the Annals of Ennius, who represents Pyrrhus as replying in these words to Fabricius Luscinus, the chief of the three ambassadors sent to him in B. C. 280, when he was occupying Tarentum, to negotiate an exchange of prisoners.

14. **Dederitis.** For the quantity of the penult, C. 271, 2; H. 586, III., 2; A. 351, *a*. For the mood, C. 203, 7; H. 484, IV. note 1; A. 266, *b*; G. 256, 2. Here, as usually in a principal clause, the perf. subj. has the force of a softened future or present potential. Z. 527.

16. **Vitam cernamus**, i. e. *de vita decernamus*. See Lex. *s. Cerno*, II. C, b.

17. **Hera Fors**, separated with poetic freedom like *dono, ducite, doque*, line 21. He.

18. **Accipe**, addressed to Fabricius as the chief; **ducite**, to all the ambassadors. For a similar change in the form of address, cf. Virg. *Aeneid* VII., 260 *et seqq.*, and Ovid *Metam.* XV., 637 *et seqq.*

20. **Eorundem**, a trisyllable. C. 276, 1; H. 608, III.; A. p. 299, III.; G. 721.

21. **Dono, ducite, doque.** So He. and Gr. Bl. considers **dono** a dative, depending on **ducite**. **Volentibus** = *propitiis*. The phrase is a common formula of prayer and wish. Gr. For the quantity of the **u**, see C. 266, 2, note 3; H. 576, II., note 2; A. 347, *e*.

22. **Regalis**, worthy of a king; *regius*, what belongs to a king. D. **Aeacidarum.** The kings of Epirus traced their descent from Achilles, the grandson of Aeacus.

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20 Chap. XIII. 23. **Singuli**, i. e. in contrast to the State. **Temporibus**, *circumstances.*

25. **Regulus.** See p. 123, line 28 *et seqq.*, and notes.

28. **Non** belongs to **reddendos**, as Cicero's statement on p. 128, line 1 shows. Its position may be explained by considering **non censuit** = *negavit* or *dissuasit.* Bl. and Zt. Z. 799; M. 468 *in fin.*

29. **Propinquis**, *kindred by blood.* D. *s. Necessarius.*

30. **Fidem**, *promise* or *pledge.*

31. **Secundo autem—approbavit.** This passage, as far as **re non erat** (p. 21, line 3), is not found in any MS., and the remainder of it only in one; and the critics are divided in their opinion as to its genuineness. The same occurrence is narrated in Book III. Cf. p. 128, line 34 *et seqq.*

36. **In aerariis reliquerunt.** It is nowhere stated by the ancient writers who the *aerarii* were. They were not in any tribe, and were excluded from office and from the right of voting. The phrase here literally means that the censors, at the expiration of their office, left on record the names of those whom they had degraded to the condition of the *aerarii.* See Dict. Antiqq. *s. v.*

37. **Juris—fraude**, *through evasion*, not open breach, *of his oath*, as *fraudem facere legi* = *to evade a law.* **Culpam invenerat**, a rare expression for *sibi contraxerat.* Gr.

21 1. **Nescio quid** = *aliquid* or *quiddam*, only more indefinite, and commonly used in a derogatory sense. **Quod—diceret**, i. e. *because as he said, etc.* C. 232, 3; H. 516, II. 1; G. 541, 2.

4. **In fide**, here in the wider sense of *jus jurandum.* Cf. Book III., ch. 29. Bl. **Quid senseris**, *what you really meant;* **quid dixeris**, *the mere words*, which are capable of several meanings. Bl.

5. **Maximum exemplum.** Cf. the account given on page 119.

6. **A Pyrrho.** On the connection of a preposition and its case with a single substantive, see M. 298, b, 2. **Perfuga**, *a deserter*, who betrays his party. D. *s. v.*

8. **C. Fabricius.** See p. 20, line 13, note.

9. **Dedidit**, the reading of all but one of the MSS. For the number, C. 110, 2, *b*; H. 463, II. 3; A. 205, *b*; G. 202, Rem. 1.

10. **Cum scelere**, an adjunct of **interitum.** See line 6, note, and p. 15, line 21, note.

14. **Quibus** depends on **uti.** M. 476, d.

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16. **Justa praebenda**, sc. clothing, lodging, and food. He. 21

18. **Vulpeculae.** The diminutive conveys the notion of meanness more forcibly.

20. **Totius injustitiae**, *of all kinds of injustice.* He. The genitive depends on **nulla. Capitalior**, *in a higher degree culpable, detestable.* Bl. Cf. p. 85, line 27; p. 118, line 6.

21. **Maxime**, to be joined to **quum**, lit. *precisely when.* He. Cf. p. 67, line 19, and note. Cf. the sentiment of this passage with the teaching of Christ, Matt. xxiii. 25–28.

Chap. **XIV.** 23. **Deinceps**, *Next in order.* In passing to a new topic, Cicero always uses *deinceps*, never *deinde.* He. **Ut propositum**, sc. in Chap. VII. See Synopsis, p. 144.

24. **Liberalitate**, used with essentially the same meaning as **beneficentia**, and as **benignitas**, line 28. Cf. p. 14, line 8, and note. Some prepositions of one syllable are often repeated without any particular reason, though in general the repetition indicates a difference of ideas. M. 470, Obs. 2; Z. 745.

25. **Cautiones** stands here for *ea quae cavere oportet.*

29. **Dignitate**, *merits.*

30. **Id** refers to the clauses immediately preceding. **Haec omnia**, *all precepts respecting this duty.* Gr.; *deeds of benevolence.* He.

33. **Perniciosi**, contrasted with **benefici**; **assentatores**, with **liberales.** The former refer to the outward act, the latter to the disposition which is wont to express itself first of all in words. Bl.

37. **Eripiunt.** See p. 9, line 5, note. Cicero has particular individuals in mind.

38. **Quod largiantur**, a relative clause of purpose.

39. **Quacumque** occurs rarely as an indefinite pronoun, with the notion of universality, without a relative signification, (in the best writers only in connection with **ratione**, *in any way.*) Gr. supplies *hoc faciant.* M. 87, Obs. 1; Z. 706.

1. **Ab**, not found in most MSS., but commonly used with 22
abest, and inserted here by Br., O., He., and Gr.

4. **Sullae, Caesaris**, subjective genitives; **pecuniarum**, objective genitive. Cf. p. 23, line 35; p. 50, line 8.

5. **Translatio, etc.** The allusion is to the bestowment of the property of the proscribed upon their partisans. Cf. Bk. II., ch. 8.

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22 7. **Idem,** *at the same time.* **Alter,** *The second.* Cf. p. 21, line 28.

8. **Quod,** strictly a relative in the accusative, but used here as a mere connective = *now,* as it often is before *si* and other particles. Gr. See M. 449; C. 128, 2; H. 453, 6; A. 156, *b*; G. 612, Rem. 1, *in fin.* Some texts have a comma before **quod,** and regard it as a causal particle.

9. **Res,** sc. *familiaris.*

10. **Proximos,** *their nearest relatives.* Gr.

11. **Aequius est.** On the mood, see p. 16, line 25, note. **Relinqui,** sc. as a legacy.

12. **Inest autem.** A change of construction instead of *deinde,* which would regularly follow **primum** in line 9. Cf. p. 39, lines 27 and 33. He.

15. **Plerosque** refers to *qui benigniores volunt, etc.,* line 8.

16. **Gloria,** here, *passion for glory.* Cf. the use of *communitatis,* p. 56, line 32, and *libertas,* p. 67, line 30. He.

18. **Voluntate,** *genuine good-will.*

20. **Tertium,** used substantively, instead of *Tertius locus.* See p. 21, line 29. **Delectus dignitatis,** *a choice,* i. e. *a distinction, according to merit.* Gr.

21. **Esset,** imperfect, because subordinate to **est propositum,** a perfect indefinite.

23. **Communitas** refers to relationship by blood; **societas,** to political connection. Cf. p. 13, line 1, note; p. 14, line 4.

25. **Si minus.** *If not,* without a verb, in opposition to something going before, is expressed by *si* (*sin*) *minus,* more rarely *si non.* M. 442, **c,** *in fin.* **Causae,** sc. for bestowing a favor.

Chap. XV. 28. **In quibus,** to be connected with **sunt.** He.

29. **Agitur.** See Lex. *s. v.* II. D., 8, b. **Simulacra,** the *likeness* or *semblance.* See Lex. *s. v.* II. Cf. *similitudines honesti,* p. 96, line 6; and p. 113, lines 23–25, where *umbra et imaginibus* is contrasted with *justitiae solidam et expressam effigiem.*

31. **Significatio,** *indication.*

33. **Virtutibus his lenioribus,** i. e. in comparison with *Fortitudo.* Cf. p. 70, line 30. They are referred to again in line 37.

36. **Ferventior,** *too impetuous.* Hn.

37. **Bonum virum attingere,** *to belong to the character of a good,* i. e. *a virtuous man.* Bl.

38. **Haec,** sc. *erunt spectanda.* **Moribus,** sc. of those upon

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whom we bestow favors. See line 21; and Synopsis. **De** not unfrequently stands without grammatical relation to the verb of the sentence, to introduce a new topic, like *Quod attinet ad.* Cf. p. 33, line 26; Z. 308. 22

1. In officio. Cf. the expression **officii est**, line 28. 23

2. Benevolentiam, sc. of others toward us.

4. Sin, *If however.* M. 442, b.

5. Ineunda, *gained, earned;* **referenda,** *requited.* Gr.

6. Referenda, a very rare use of the ablative of the gerundive, instead of *quam* with the infinitive, after a comparative. He.; instead of *officio referendae gratiae.* Bl. See M. 416, Obs. 2.

7. Utenda, i. e. *which have been loaned to you,* passive in meaning. See p. 15, line 14, note.

8. Acceperis, the second person, agreeing with a single indefinite subject, which is imagined and, so to speak, addressed, in order to express something indefinite. M. 370.

9. Hesiodus, sc. in his poem entitled *Works and Days.* **Nam** in **quidnam** gives liveliness or emphasis to the question. Z. 134. **Beneficio,** sc. unsought by us.

10. An imitari, etc. The first member of the double question is omitted, and the second member here expects an affirmative answer. Z. 353. M. 453: **An** is used when a question is itself answered under the form of a question, or some conjecture respecting what is asked is added in the interrogative form; in which case **an** sometimes takes the meaning of **nonne.**

12. Dubitamus, signifying *hesitate,* and followed by a clause containing the same subject, generally takes the infinitive, as here; though the subjunctive with *quin* sometimes occurs even in Cicero. M. 375, c, Obs. 2.

14. Dandi beneficii. M. 417, *in fin.;* C. 133, 5; H. 396, VI.; A. 214, *f*; G. 359.

15. Demus necne, *whether we give or not.* On the form of the clause, see p. 10, line 24, note.

17. Injuria, sc. *in alios.*

18. Delectus, *a distinction between, etc.*

19. Maximo cuique, sc. *beneficio.*

22. Vel morbo, *in part by a morbid disposition,* the reading preferred by most editors. *Vel modo* is found in two MSS., and is adopted by Bl. Cf. *Tusc. Disp.* IV. 10. **In omnes,** sc. *without distinction,* belongs to **morbo incitati.**

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23 23. **Impetu,** *impulse*, sc. toward individuals.

25. **Atque,** *as*. See p. 17, line 5, note. **Judicio,** the general term, explained by the two following words. It is antithetic to **temeritate—judicio,** line 22; **considerate,** to **repentino—impetu,** and **constanter,** to **morbo in omnes.** Gr.

29. **Contra,** *contrariwise*, used adverbially. He. **Plerisque,** *most people*. Z. 109, note. Cf. the sentiment of this and the preceding sentence with Luke vi. 33, 34; xiv. 13, 14.

Chap. XVI. 32. Societas hominum, etc. The third of the four grounds of merit, mentioned on p. 22, lines 21–24, is here discussed last.

35. **Naturae,** the reading of all but one of the MSS., and adopted by Br., O., He., and Gr.; a subjective genitive, which commonly precedes its noun when other genitives are also dependent on it. Z. 791. Bl., and Zt. prefer *natura* because the occurrence of genitives sustaining different relations to the same noun is thus avoided.

36. **Humanae** qualifies both the nouns before it. Z. 790. T. **Repetendum altius,** *make a more thorough inquiry*.

39. **Communicando,** sc. *consilia, the interchange of thoughts*. Gr. **Disceptando,** *discussion*. Cf. p. 18, line 27.

24 2. **Ulla re,** sc. than the possession of reason and speech.

4. **Equis, leonibus.** Asyndeton, which occurs in animated discourse not only where there are three or more members, but even with two. M. 434. **Justitiam,** conduct in accordance with the civil law; **aequitatem,** in accordance with natural right.

5. **Bonitatem,** i. e. *beneficentiam, benignitatem, liberalitatem*.

8. **Societas haec,** sc. *universi generis humani*.

10. **Communitas,** *a common possession*. **Discripta sunt,** *have been assigned* to individuals as private property.

11. **Jure civili** properly included *leges, senatus-consulta, edicts, judicial decisions, mos, aequitas*. As contrasted with *leges, statutes*, it sometimes meant *unwritten law*. See Dict. Antiqq. **Est.** The indicative is required because it is antithetic to **est** in line 13. So, He., and Gr. *Sit* is preferred by O., Zt., and Bl.

12. **Legibus** is the reading adopted by O., He., and Br., though all the MSS. have **e quibus**. **Cetera—observentur,** *other things* (sc. than those decided and arranged by the laws) *may be regulated*. **Graecorum proverbio.** Cf. Aristotle, Nicom. Ethics, VIII. 11: Καὶ ἡ παροιμία ‘κοινὰ τὰ φίλων’ ὀρθῶς.

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17. **Homo**, etc. To what poem of Ennius this fragment belongs cannot be determined. He. The metre is iambic trimeter. For the other feet admissible in it, see C. 296, 4; H. 622; A. 365; G. 753. 24

18. **Suo** becomes one syllable by Synaeresis.

20. **Ex** is used because the general precept is drawn *from one example*. He.

22. **Illa communia**, sc. *praecepta*, *general principles or maxims*. Gr.

25. **His** refers to **quae** in the preceding line. Bl.

26. **Utendum est**, *we ought to practise*. With the verb *sum*, the impersonal form of *utor*, *fruor*, *etc.*, is the more common. M. 421, Obs. 2.

29. **Vulgaris**, *general*, *extended to all*. **Referenda est**, *must be confined to the limit prescribed by Ennius*, viz., to do good to others so far as we can without injury to ourselves or to those who have especial claims upon us for aid. He.

Chap. XVII. 34. **Gentis, nationis**, both denote a people, in a physical sense, as having a common origin; the former denoting *the whole*, of which the latter is *a part*. He. thinks the two words are here synonymous, and together antithetic to **civitatis**, which denotes a people in a political sense, as a society formed by civilization and compact; as does also *populus*. For the difference between these two words, see D. *s. Gens*.

35. **Interius**, *a closer tie*. Cf. p. 113, line 18.

1. **Consuetudines, familiaritates**, i. e. social connections; the latter a stronger term than the former. Gr., however, considers the former = *customs*, so far as these are not determined by law. 25

2. **Res—contractae**, *mutual business transactions*. He.

3. **Propinquorum**, *kindred by blood;* **affinitates**, (line 14,) *by marriage*.

4. **Ab illa**, i. e. *proceeding from that;* from this wide beginning. Gr.

5. **In—angustum**, sc. *circle;* **concluditur**, sc. *societas propinquorum*. Gr.

8. **Deinde**, not an adverb of time or of enumeration here, but = *in consequence of this*. Gr.

9. **Id** refers to the clause immediately preceding, i. e. *The family is the foundation, etc.* **Urbis**, *the civil society*, or *community of a city*.

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25 10. **Fratrum,** *brothers and sisters.* See Lex. *s. v.* II. B.

11. **Consobrinorum,** *cousins;* **sobrinorum,** *the children of cousins.* He. See Dict. Antiqq., p. 319, a.

15. **Suboles,** *offspring, progeny.* **Origo,** *the first actual beginning.* Gr.

16. **Benevolentia** refers to the understanding and will; **caritate** to the feelings. Cicero often connects them.

18. **Monumenta,** *memorials* of any kind, particularly *statues* and *records.* **Sacris,** private religious rites of a gens or family, observed at stated times and with the greatest care.

22. **Honestum.** See p. 12, line 18, note.

28. **Copulatius** here = *copulantius.* Cf. such words as *consideratus, cautus, falsus, tacitus,* etc., which have an active as well as passive meaning. He., Gr. **Bonorum,** used substantively, *good men.* Gr.

32. **Communitas,** *bond of fellowship.*

33. **Ultro et citro,** *mutually.*

34. **Quae dum,** *for while these.* Gr.

26 1. **Caritates,** the abstract for the concrete, *the objects loved.* He.

2. **Dubitet.** C. 205; H. 486, II.; A. 268; G. 258. **Mortem oppetere,** a moral act, in as far as a man, if he does not seek death, yet awaits it with firmness and contempt of it. D.

3. **Istorum,** used in a contemptuous sense. C. 116, 5; H. 450, 1, note; A. 102, *c*; G. 291. **Immanitas,** *monstrous* or *unnatural wickedness.*

4. **Occupati sunt** refers to Antony and his associates, **fuerunt** to Catiline, Clodius, and Caesar.

5. **Contentio et comparatio,** *placing together and comparing.*

9. **Spectat in nos,** sc. as helpers and counsellors. Gr.

10. **Bene convenientes,** *like-minded,* with whom we are in harmony. He.

12. **Necessaria praesidia vitae,** i. e. everything needful for the support of life.

13. **Vita** denotes the public, **victus** the private life of a man. D.

16. **Vigent,** i. e. have their proper place and value. Gr.

17. **Conjugavit** occurs only in two other passages in Cicero.

Chap. XVIII. 19. **Quid,** sc. *tribui.*

20. **Vel** has, through an ellipsis, the meaning of *even.* Z. 734.

21. **Ita, etc.,** *Thus* (i. e. if we take this into consideration) *we*

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shall find, etc. **Necessitudinum,** *relationships,* such as are mentioned in the preceding chapter. See line 7 *et seqq.* **Non iidem, qui temporum,** *not identical with those of circumstances;* i. e. there may be circumstances in which those who are bound to us by no ties have a stronger claim upon us than relatives and friends. 26

23. Ut, *as for instance.* **Adjuveris,** perfect subjunctive in the sense of the present. C. 202, 1; H. 481; A. 283; G. 250.

27. Et—capienda, believed by some editors not to be genuine, because it interrupts the train of thought; since the rest of the sentence plainly refers to **circumspicienda sunt** alone, and because the expression **consuetudo capienda,** *the habit must be acquired,* is so unusual.

29. Deducendo, *subtracting.* See Lex. *s. v.* I. B, 7.

35. Before **quidem,** with a concessive signification (*indeed, to be sure*) with a predicate (verb or adjective), with **sed** following, a pronoun is inserted in the best writers, which corresponds to the word of which the predicate is conceded. M. 489, **b**; C. 116, 9; H. 450, 4, note 2; A. 151, *e*; G. 292, Rem. 4.

37. Ab iis rebus, an adjunct of **ducatur. Sunt in jure, etc.** =*justa sunt in societate humana.* Gr. Cf. p. 14, line 4.

38. Ex aptum, *dependent upon.* See Lex. *s. Apo.*

The third cardinal virtue, **Fortitudo.** See Introd., p. 144.

1. Intelligendum est. The gerundive with **sum** denotes that 27
a certain action *is to be done* (must be done, is proper and necessary). M. 420. **Quum proposita—quattuor,** sc. p. 12, line 20 *et seqq.*

2. Genera. See p. 13, line 11, note. **Honestas,** virtue in the abstract; *Honestum,* virtue in the concrete. See D. *s. Virtus.*

3. Animo, ablative of manner. Cf. line 10.

4. Humanas—despiciente. See p. 11, line 39, note.

5. In probris, i. e. when *reproach* is designed. **In promptu est,** *is at hand,* i. e. one is very ready to say. **Si quid—potest,** i. e. if it is applicable.

7. Vos, etc., a line from an unknown author, though attributed to Ennius by some, who suppose that **illa virgo** refers to Cloelia (the hostage given to Porsenna), who escaped to Rome by swimming the Tiber. The text gives the reading of all the MSS., which has also been adopted by Br., O., and He., though other editors prefer *virago.* The metre is trochaic tetrameter

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27 catalectic, the final **m** in **enim** elided even before a consonant, and the first syllable of **illa** shortened, as often in the old dramatists. He.

9. Salmaci, da. So Br., Zt., Gr., and Bl. *Salmacida* is preferred by O. and He. The line is from Ennius, and the metre is iambic trimeter. **Salmaci**, a fountain in Caria near Halicarnassus, the water of which was fabled to make men effeminate; here, a nickname for an effeminate, cowardly person. **Da spolia**, *surrender your arms.*

11. Ea. If the relative pronoun refers to a demonstrative which stands alone, the latter is often put after the relative clause. M. 321. **Nescio quo modo**, like *nescio quis*, is often inserted in a clause that is not interrogative, by way of parenthesis, or as a remark exclusively applying to a single word. M. 356, Obs. 3. The expression is equivalent to an adverb, *somehow.*

12. Pleniore ore, i. e. *more liberally, heartily.* **Hinc**, i. e. because courageous and patriotic deeds are indicative of that virtue which seems **splendidissimum. Campus**, *a free, open field for action;* hence, here, *subject-matter, material*, which the rhetoricians use.

14. Noster Cocles, the Horatius, of whom it

"is written,
In letters all of gold,
How valiantly he kept the bridge
In the brave days of old,"

against Porsenna and his army. **Decii.** P. Decius Mus, consul in B. C. 340, when his army began to give way, in a battle in the great Latin war, devoted himself and the army of the enemy to destruction, according to the formula prescribed by the pontifex maximus, and then rushed into the thickest of the fight, and was slain. His son, of the same name, sacrificed himself in the same way in the battle of Sentinum, in B. C. 295. See p. 96, line 29. Cicero states, in the *Tusc. Disp.* I., XXXVIII., that the same was true of a son of the latter, also of the same name, in the war against Pyrrhus. **Cn. et P. Scipiones**, the father and uncle of Africanus Major, who were distinguished for their generalship in Spain in the second Punic war, and who fell in battle there in 212 B. C.

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15. **Marcellus**, the conqueror of Syracuse and the brave opponent of Hannibal in southern Italy, where he fell in 208 B. C.; called "the sword," as Fabius *Cunctator* had been "the shield" of Rome. 27

16. **Alii**, sc. *a rhetoribus laudantur*. He.; *omnium commemoratione celebrantur*. Zt.

17. **Studium**, sc. *Romanorum*. **Stud. bellicae gloriae**, sc. in which *animi magnitudo* is especially exhibited. He.

18. **Statuas quoque**, i. e. as well as men. T. **Ornatu militari**, *the dress of a soldier*. **Fere**, *for the most part*.

Chap. XIX. 22. **In vitio**. See p. 15, line 5, note.

24. **Repellentis**, *casting off*.

25. **Probe** = *recte, praeclare*. **Eam** is the subject, **virtutem**, the predicate. T.

27. **Gloriam**, *the reputation*; **laudem**, *true renown*. Garve.

28. **Honestum**, *worthy of honor*.

30. **Illud Platonis**. The first part is from the Menexemus, p. 246, E; the second part, perhaps, from the Laches, p. 197, C.

31. **Calliditas** denotes an acquired knowledge of the world gained by experience, which leads one to choose *right means*, and is more frequently used in a bad sense. **Sapientia**, a quality ennobling a man's whole being and leading him to choose *right objects*. D.

35. **Eosdem**. See p. 13, line 24, note.

2. **Ex media laude justitiae**, *the inmost substance of justice*. 28

3. **Illud odiosum, etc.** Cf. p. 15, line 36.

4. **Pertinacia**, *stubbornness of opinion, dogmatism*. Gr.

5. **Apud Platonem**, sc. in the Laches, p. 182, E.

6. **Omnem morem**, *the whole character*.

8. **Princeps esse**, the usual construction after **volo**. For the case of **princeps**, see p. 9, line 10, note. Sometimes an accusative (of the pronoun) is expressed, the object of the will and desire being conceived rather as a distinct thing in itself. Cf. line 22. **Volo** is commonly used with the subjunctive without ut only in short unambiguous expressions. M. 389, Obs. 4; 372, b, Obs. 2.

12. **Publico**, i. e. relating to public affairs; **legitimo**, fixed by law and affecting private relations. Gr.

14. **Largitores et factiosi**, not subject but predicate.

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28 16. **Difficilius**, sc. *servare aequitatem quum, etc.* See lines 9 and 10.

21. **Natura,** i. e. the unperverted nature of man; the subject of **sequitur,** *seeks after.* Gr.

23. **Errore,** *the erroneous judgment.* Gr.

25. **Ut,** *according as.*

26. **Animo.** For the difference between the ablative and genitive of quality, see C. 134, note 1; H. 419, 2; A. 215, note; G. 364, Rem.; M. 287, **c**, Obs. 2. Cf. p. 29, lines 11, 15, and 20. **Locus lubricus,** *a difficult topic to discuss.* Gr.

Chap. XX. 30. Omnino, *In general.*

31. **Rerum externarum.** Cf. p. 11, line 39.

33. **Honestum** refers more to the inward character, **decorum** more to the outward appearance or manifestation of moral goodness. Cf. p. 37, lines 28–33.

34. **Optare,** *to wish,* and leave the realization of one's wish to others; **expetere,** to apply to others for the realization of one's wish. D.

36. **Altera,** *The second.*

37. **Geras.** For the mood, C. 208; H. 501, I. 2; A. 332, *f*; G. 559. **Illas.** See p. 26, line 35, note.

38. **Ut,** though found in the MSS., is bracketed by Br., O., and He. For the cases in which it is repeated, see M. 480, Obs. 2; Z. 757.

29 3. **Utilitatem,** logically belongs to **est. Causa et ratio efficiens,** *the source and efficient cause.* Garve.

5. **Humana,** i. e. *res externas.*

6. **Id,** like **eo,** in line, 4, refers to **priore.**

10. **Ratione,** *principle.*

11. **Ducendum est** has the infinitives **ducere** and **contemnere** for its subject.

13. **Versantur,** *occur.* **Statu naturae.** Passions and emotions are diseases of the soul. *The natural condition* is one of uniform tranquillity, equability of soul. He.

15. **Constantiae,** a quality of one who always acts in accordance with his convictions of right. Cf. line 11, and see p. 12, line 8, note.

17. **Labore,** *hardship,* and **voluptate** are *personified* as parties in the struggle, and so become ablatives of agent. M. 254, Obs. 1.

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18. Vitanda has some MS. authority, and is adopted by Br. and O. Most MSS. and editors read **videnda**, which is often equivalent to *providere, curare;* but the opposite notion is required here. O. 29

24. Libertatem, *personal independence,* which he cannot possess whose ambition makes him a servant of the multitude, through whose favor he seeks for promotion.

25. Imperia, *public offices.*

26. Ac potius. If a negative clause is followed by an affirmative in which the same thought is expressed or continued, **que, et** or **ac** is employed where in English *but* is used. M. 433, Obs. 2. **Interdum** approaches to the meaning of *rarius; nonnumquam,* of *saepius.*

29. Voluptate, *excessive joy;* contrasted with **aegritudine.** Cf. p. 40, line 20. Gr.

30. Securitas. See p. 30, line 37, note.

33. Otium. See p. 30, line 4, *otiosis,* note.

34. In his, etc., a blending of two sentences in one, for *In his fuerant et philosophi et quidam, etc., . . . qui potuerunt.*

35. Quidam homines, etc., e. g. Atticus and M. Piso. Cf. *Nepos* VI. **Severi et graves,** *of strict principles and earnest character.* Bl.

36. Populi, *the common people;* **principum,** *the aristocracy.* **Mores,** *behavior, conduct.*

37. Nonnulli refers to both **philosophi** and **homines severi.** He.

38. His propositum fuit, *They resolved upon.* See Lex. *s. v.* II. F.

1. With **uterentur** supply **ut** from the preceding **ut ne.** See Z. 784. 30

2. **Cujus** = *hujus enim,* sc. *libertatis.*

Chap. XXI. 3. **Quare.** See p. 18, line 18, note, and **Quapropter,** line 12. **Hoc,** i. e. *vivere ut velis.* Gr. **Potentiae,** the general term, any actual power; **potestatem,** (line 17,) a just and lawful power.

4. **Cupidorum.** The genitive often follows **communis,** but also the dative. M. 290, **f. Otiosis,** not *unoccupied,* but *not participating in public affairs.* See p. 29, line 33, and p. 92, line 3.

10. Claritatem amplitudinemque. The latter is the external consequence of the former. Bl.

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30 **12. Concedendum sit.** A conjecture respecting a thing which is actually the fact, is not expressed by the subjunctive except with the particle **forsitan**, *it may be that*, which in the best writers is almost always put with that mood. M. 350, b, Obs. 3. For the meaning, see Lex. *s. v.* I. B. 3, b. The thing *to be pardoned* is expressed by the participle **capessentibus.**

18. Quibus autem. On the position of the relative clause, see p. 10, line 3, note. **Est** is the reading of Br., and He. The indicative gives prominence to the fact stated. The MSS., and most editors, however, have *sit.*

19. Imperia. See p. 15, line 26, note.

20. Magistratus, *civil offices.*

21. Quorum = *Nam eorum.*

23. Factu, a pleonastic addition.

24. Tum = *especially.* **Offensionum,** *failures;* **repulsarum,** *defeats*, sc. in efforts to obtain office.

25. Ignominiam, properly the loss of political honor, the consequence of an official denunciation; **infamiam,** the loss of moral honor, the consequence of dishonorable conduct. D. Hence the use of **quasi quandam.** See p. 11, line 14, note.

26. Parum—constent, *do not act consistently*, i. e. do not show the same courage under different circumstances. Hn.

27. Molliores = *minus fortes.* Zt.

29. Constanter, sc. *faciunt.*

30. Adjumenta includes bodily and intellectual endowments as well as wealth and high rank. He.

31. Adipiscendi here denotes *the striving* to obtain. He.

35. Magnificentia, *greatness of soul.* Lex.

36. Est, the reading of Br., O., and He. who remarks that the verb could be made to depend upon **haud scio an** only by a kind of anacoluthon. Other editors retain the MS. reading **sit**, and consider it a potential subjunctive.

37. Securitas, *freedom from care;* the only meaning of the word in the Ciceronian age.

39. Faciliora. Supply *eo.* **Minus multa** = *pauciora.*

31 **3. Possunt.** On the mood, see C. 216; H. 511, 1; A. 309; G. 603. **Tam graviter,** i. e. from such a height of external greatness. Gr.

5. Cura efficiendi, i. e. anxiety about the success of one's en-

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deavors. The gerund is used absolutely, as in *efficiendi facultas*, 31
fames habendi. He.

6. **Quietis** = *otiosis*.

7. **Angoribus**, in contrast with **cura**, denotes intense solicitude, and is always regarded as a *perturbatio mentis*. He.

9. **Ut habeat** depends on **caveat**, used in a somewhat different signification = *take care that*. M. 375, a, Obs. 1; Z. 534. Bl. considers **ut** = *quomodo* or *quatenus*, and **habeat** dependent on **consideret**.

Chap. XXII. 16. **Urbanus**, *civil*. **Minuenda**, *refuted*.

20. **Apti**. See C. 113, 5; H. 438, 6; A. 186, *d*; G. 202, Rem. 1, Exc. 2. **Et—gerendorum**, considered spurious by many critics because it repeats in the protasis what has just been expressed in the apodosis.

21. **Multae—urbanae**, *there have been many instances of civil pursuits*. Hn.

24. **Solonis**. He flourished in the first half of the sixth century B. C.; Themistocles about a century later. **Citetur**. See Lex. II. B. 1, b.

25. **Anteponatur**, *is thought more highly of*. **Consilio ei**, *than that legislation*.

26. **Primum constituit**. The council of the Areopagus was one of very remote antiquity; but Solon enlarged its power, and entrusted it with the general supervision of the institutions and laws of the State and the religion and morals of the citizens, and so might almost be called its founder. Dict. Biog.

27. **Hoc, illud**. See p. 18, line 28, note.

29. **Hoc consilio**, sc. *Areopagitarum*, Gr.; *Solonis*, He.

30. **Nihil dixerit**, *will not easily be able to adduce anything*. M. 350, b.

33. **Consilio senatus**. The allusion here is supposed to be to the fact that *the Areopagus* furnished the funds necessary to man the fleet which fought the battle of Salamis.

34. **Pausania**, the Spartan, the victor at the battle of Plataea, over Mardonius the Persian, B. C. 479. **Lysandro**, the Spartan who conquered Athens by siege, B. C. 404.

36. **Partum**. So Br., and O., instead of which *dilatatum* is inserted after **Lacedaemoniis** by Bl., He., and Gr. The MSS. have neither.

37. **Conferendi sunt**, sc. *Pausanias et Lysander*, the men

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31 themselves, instead of their deeds, compared with the laws of Lycurgus.

32 1. **Pueris nobis**, ablative absolute of time. **M.** Aemilius **Scaurus**, of patrician descent, consul in B. C. 115 and B. C. 107. Though distinguished for his opposition to the popular leaders, he was always regarded with some degree of favor by the people.

2. **Q.** Lutatius **Catulus**, consul B. C. 78, one of the prominent leaders of the aristocracy, and distinguished for the purity of his character and his patriotic spirit.

3. **Cedere**, *to be inferior.*

6. **P.** Corn. Scipio **Nasica** Serapio, consul B. C. 138, and a fierce aristocrat. His father, who was surnamed *Corculum*, because of his attainments in jurisprudence, was a second cousin, and his mother a sister of Cornelia, the mother of the Gracchi. **Eodem tempore**, sc. B. C. 133.

7. **Privatus**, contrasted with **imperator**. Nasica was pontifex maximus, but held no civil office that year. With the sentiment expressed in this sentence, cf. p. 74, line 27 *et seq.* Cicero was an adherent of the aristocratic party, and regarded all who had proposed measures for the political elevation of the masses as disorganizers. Yet earlier in life, in his oration, *De Lege Agraria*, II. (ch. V.), B. C. 63, he had expressed a very different opinion.

8. **Haec res**, sc. *a Nasica gesta.* **Ex ratione** *esse, to be of a kind, to belong to a category.* Gr. **Domestica**, used like **urbanas**, p. 31, line 16. So, too, **urbano** (line 11) = *of civilians.*

11. **Autem**, *moreover.* See p. 7, line 20, note.

12. **Invadi.** This verb (in the active voice) sometimes becomes transitive and takes an accusative, but in the earlier prose more frequently retains its intransitive meaning, and is followed by the preposition repeated, or the dative. M. 224, b, Obs. 2; Z. 387.

14. **Cedant, etc.**, a line from the third book of Cicero's poem on his consulship. It is quoted (together with another line from the same poem) by Quintilian (XI. 1, 24), who remarks: *In carminibus utinam pepercisset quae non desierunt carpere maligni.* **Laudi**, i. e. the praiseworthy services of the statesman.

15. **Ut omittam.** A clause of purpose sometimes indicates

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not the object of the leading clause, but the design with which the statement is made; the clause on which it really depends being omitted for the sake of brevity. M. 440, Obs. 6. 32

17. Periculum gravius, sc. than that with which the State was threatened by the conspiracy of Catiline.

18. Otium, *peace, safety.*

19. Delapsa ceciderunt, a pleonasm, for emphasis. He.

20. Ipsa, *of themselves.*

24. Quidem gives emphasis to **mihi,** while **certe** has reference to Pompey and what he did. Bl.

25. Hoc tribuit, *paid this tribute.*

26. Triumphum tertium. Pompey's first triumph was in B. C. 81, over Hiarbas, king of Numantia; his second in B. C. 71, over Sertorius, the Marian general, in Spain; and the third over the Pirates, Mithridates and Tigranes, in B. C. 61.

28. Esset habiturus. On the form, see C. 228, 6 and 9; H. 527, III.; C. 662.

29. Fortitudines, *cases of fortitude, courageous deeds.* Gr.

Chap. XXIII. 34. Ita afficiendum, *brought into such a condition, so trained* or *accustomed.*

35. Consilio rationique, *the decisions of the reason;* Hendiadys. Garve.

1. In quo, *and herein, with reference to this.* 33

2. Togati, i. e. as statesmen. Cf. p. 32, line 14.

5. M. Catonis, sc. *consilio.*

6. Mortui. Cato, the censor, died the same year with the opening of the third Punic war, B. C. 149.

7. Decernendi, decertandi, an instance of paronomasia cited by Z. 822.

8. Id faciamus, i. e. *decernamus.*

10. Nihil aliud nisi, *nothing further than* or *more than*, i. e. not any other advantages besides. **Nisi** acquires the sense of *except* by omitting its verb, or uniting it with the leading verb. Z. 735.

11. Quaesita. When another substantive is connected with the subject by *quam* or *nisi* (in comparisons or exceptions), the predicate, if it follows the word so subjoined, often agrees with it. M. 217, Obs. 2.

12. Tumultuantem, a stronger term for *perturbatum, trepidantem.*

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33 13. **De gradu dejici,** *to be forced from one's position,* i. e. *disconcerted;* an expression borrowed from the gladiatorial combats. Gr. **Praesenti animo,** *presence of mind.*

14. **Hoc** refers to what precedes, sc. **non perturbari; illud** to what follows, sc. **praecipere,** *to anticipate.* Gr.

15. **Animi,** *spirit* or *disposition;* **ingenii,** *intellect.*

17. **Accidere** denotes both favorable and unfavorable occurrences that are fortuitous; hence, **in utramque partem,** *on either side,* i. e. either good or bad. Cs.

18. **Committere,** *to be in fault so that, act so heedless that.* See Lex. *s. v.* I. B., 4.

20. **Fidentis,** *relying upon,* i. e. here, *self-reliant.*

21. **Temere,** *without sufficient cause.* The remark has reference to commanding generals only. Cs.

23. **Tempus necessitasque** = *tempora necessaria;* Hendiadys. Hence **postulat** is in the singular, the subjects being considered collectively as a whole, as is often the case with things and impersonal ideas; one idea being expressed by several words, or several ideas, which are connected, being considered as one. M. 213, a, 2.

Chap. XXIV. See Synopsis, p. 145.

27. **Ne quid temere,** sc. *fiat. Dico* and *facio* may be omitted in principal clauses when an assertion or action is briefly characterized by an adverb of praise or dispraise; and *facio* and *fio,* sometimes, after **ne.** M. 479, c, and Obs.

28. **Rebus agitatis,** *in times of commotion, civil tumults,* or *seditions.* He.

29. **Omni fortuna,** *every condition* of the State. He.

31. **Supra dixi,** sc. in Chap. XXII.

32. **Reperias.** See p. 23, line 8, note. **Calida,** *rash, inconsiderate.*

33. **Quietis et cogitatis,** *calm and well considered.* Hn.

34. **Omnino,** *to be sure;* concessive.

39. **Leniter,** i. e. *with mild remedies.*

34 2. **Tranquillo,** sc. *mari.* **Tempestatem.** For the meanings here and in the next line, see Lex. *s. v.* II. A.

3. **Subvenire** means *to come up,* (generally) *to assist;* sometimes, as here, *to ward off, to take measures against.* Cf. p. 79, line 23. *De Rep.* I. 19, 3: *ad Fam.* II. 6, 4. Gr.

4. **Sapientis,** often used substantively in the philosophical

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style, though adjectives generally are rarely so used in the 34
singular, and only when the context excludes all ambiguity. M. 301, a, Obs.

5. Re explicata, *if the thing is brought to a successful issue.* He. **Quam mali,** *than you incur of evil.* Gr.; *than the evils you overcome.* He. **Addubitata,** literally = *in discrimen vocata, while it is in peril, during the contest.* He. This is also substantially the interpretation of Garve.

6. Rerum actiones, *the undertaking of* (state) *affairs.* Gr.

10. Ad nostra pericula, etc., i. e. *to incur danger ourselves* than to expose the State to it.

11. Ceteris commodis, sc. riches and other external good. He.

13. Profundere. The infinitive is properly the *dative case* of an abstract noun denoting purpose. It is sometimes so used after adjectives, and particularly the participle *paratus.* But this construction is rare in good prose, and it is regularly used (substantively) only as a nominative or accusative. M. 389, Obs. 3.

14. Iidem, *but on the other hand.* See p. 13, line 24, note. **Jacturam,** literally, *a throwing overboard,* then *the loss or damage incurred thereby;* with **facere** = *to sacrifice.*

15. Ut. *As for example.*

16. Callicratidas, appointed to the command of the Lacedaemonian fleet, B. C. 406, and slain the same year in the battle off the Arginusae, three small islands off the coast of Aeolis.

17. Multaque—egregie. He had shown himself an honest man and an able commander, and had been successful in his naval operations. Dict. Biog.

18. Quum consilio—eorum, etc. According to Xenophon, his steersman, Hermon, endeavored to dissuade him from engaging in the battle with the Athenians, on account of their larger number of ships; and his answer was (*Hellen.* I. 6, 32): *Καλλικρατίδας δὲ εἶπεν, ὅτι ἡ Σπάρτη οὐδὲν μεν κάκιον οἰκιεῖται αὐτοῦ ἀποθανόντος, φεύγειν δὲ αἰσχρὸν εἶναι ἔφη.*

24. Cleombrotus, king of Sparta B. C. 380–371. He met the Theban army on the plains of Leuctra, and seems to have been desirous of avoiding a battle; but his friends reminded him of the suspicions he had incurred by his former slowness to act against the Thebans, and warned him of the danger of repeating

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34 such conduct in the present crisis. In the battle which followed, he fought most bravely, but fell mortally wounded. Dict. Biog.

26. Q. Fabius **Maximus**, consul five times, and appointed dictator B. C. 217, immediately after the battle of Cannae. His policy of avoiding a pitched battle, keeping Hannibal at bay and cautiously watching for opportunities to strike a successful blow, earned him the epithet *Cunctator*.

27. De quo Ennius, sc. in the 9th Bk. (probably) of the *Annals*.

28. Cunctando, *by wise delay. Cunctari* properly means to delay *from consideration*. See D. **Rem**, sc. *publicam*.

29. Noenum, an archaic form compounded of *ne—oenum* or *unum* and = *non;* the conjecture of Lachmann and adopted by Br., O., and other recent editors. Most MSS. have *non enim*, which cannot be scanned without resorting to such explanations as that *e* in *enim* was dropped in the reading, or that *non enim* is a dactyl, the *m* being much slurred over in pronunciation, or that, *enim* was pronounced, in scanning, *eim*. One MS. reads *Non ponebat enim rumores*. **Rumores,** *the popular opinion*. So completely was Fabius' policy misunderstood by all classes impatient for a successful battle, that he was suspected of seeking to prolong the war to retain his command, of cowardice, incapacity, and even treachery. Dict. Biog. **Ponebat.** The original long quantity of the final syllable is here retained, as it regularly is in the earlier poets in all verbs ending in **r** and **t** where the vowel is elsewhere long in inflection.

30. Postque. So Br., O., He., and Gr.; *since his death*. Other readings of editors are, respectively, *priusque*, *plusque*, *magisque*. **Magisque**, sc. than if he had heeded the talk of the people.

33. Audent. For the mood, see p. 9, line 5, note.

Chap. XXV. 35. Duo—praecepta, sc. in the *De Repub.;* **unum**, in I., p. 342, E.; **alterum**, in IV., p. 420. B.

35 **2. Tutela,** *legal guardianship* over the property and pecuniary interests of a minor. See Dict. Antiqq.

7. Seditionem, not *insurrection*, but *dissension*. See D. *s. Turbae.*

8. Populares = *populi* (*the popular* or *democratic party*) *studiosi*. Gr. **Optimi cujusque,** *the nobility*.

9. Universorum, *all* taken collectively. See D. *s. Quisque.*

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11. Bella civilia, sc. between Marius and Sulla, and be- 35
tween Caesar and Pompey.

12. Fortis. Cf. p. 30, line 30, *et seqq.*, for the meaning.

14. Que. For the meaning, see p. 14, line 23, note.

16. Odium has a positive character like *hatred*, and is a deep-rooted feeling; **invidia** has a negative character like *disaffection*, and is a temporary feeling, or is the beginning of **odium.** D.

18. Ea, *these virtues.* On the gender, see C. 113, 3, note 1; H. 439, 3; A. 187, *b.* **Quamvis graviter** = *vel gravissime.* He. **Offendat,** literally, *come in collision with;* hence, here, *receive loss* or *damage.* Gr. Cf. *offensionum*, p. 30, line 24, and note.

20. Ambitio, *the canvassing for votes.* **Honorum contentio,** *the struggle for office.* M. 283, Obs. 3.

21. Apud Platonom, sc. *De Repub.* VI., p. 488, B.

22. Contenderent, imperfect, as if *dictum est* had preceded. Gr. C. 234, 6; H. 495, II., and IV.; A. 287, *a*; G. 518.

23. Ut si, usually *ac si* after **similiter, etc.** M. 444, b, Obs. 2.

25. Idem praecipit, etc. A passage exactly corresponding to this is not to be found. Sentiments somewhat similar are expressed in *De Repub.* VIII., p. 667, C, and *De Leg.* IV., p. 856, B, where Plato shows who are to be considered the worst enemies of the State. He.

26. Contra, sc. *rem publicam.* **Suo judicio,** *according to their own convictions*, i. e. who differ from us in politics.

27. Africanum, sc. Scipio Aemilianus Africanus Minor, the conqueror of Carthage.

28. Q. Caecilium **Metellum,** who received the title *Macedonicus* for his victory over Andriscus, the pretended son of Perseus, in B. C. 148, and was consul B. C. 143.

29. Inimicis, i. e. political opponents. Gr.

33. In—aequabilitate, in a State in which there is *an equality of rights.*

34. Facilitas, *courteousness*, a social virtue. See D. *s. Humanitas.* **Altitudo,** literally, *depth*, here *reserve*, the habit of controlling and concealing one's real feelings under an outward serenity of manner. See Lex. *s. v.*, II., B; *ad Att.* V. 10, 3. The clause **quae dicitur** shows that it is an unusual expression.

35. Accedentibus, *making us visits.* **Impudenter rogantibus,** *unreasonable requests.*

36. Morositatem, literally, *abounding in self-will*, (from *mos*,

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35 *the will* of a person, *self-will,*) then *captiousness, intolerance.* D. *s. Austerus.*

37. **Ita,** *only so far.* It has a limiting or restricting force. Z. 281. Cf. p. 16, line 26, note. **Ita** *definit rem,* **sic** *monstrat,* **tam** *auget.* Zt. **Mansuetudo,** properly, the mildness and magnanimity of a private individual who does not take vengeance; **clementia,** the mercifulness and humanity of the ruler or the judge who does not inflict deserved punishment. D.

36 1. **Animadversio,** *punishment.* **Castigatio,** *reproof.* Cf. verbis castigat, line 3. **Contumelia,** *insult;* a wrong done to the honor of another. D. *s. v.*

2. **Punitur,** used here, and in several other passages in Cicero, as a deponent, but more frequently by him, and usually by other writers, as an active verb. Z. 206; M. 151. Cf. p. 33, line 28.

5. **Appellentur,** *should be called to account.* He. and Gr. See Lex. *s. v.* II., C.

11. **Illa,** sc. *iracundia.* **Vero,** *surely;* here used in its original emphatic sense. Gr. See M. 437, **d**; Z. 266, note 1.

Chap. XXVI. 16. **Superbiam,** *haughtiness,* from inordinate self-esteem, thinks others beneath itself; **fastidium,** *scornful contempt,* pushes men from itself as unworthy to stand in connection with it; **arrogantiam,** the assertion of undue and exorbitant claims. D.

18. **Levitatis** = *parvi animi.*

20. **Vultus,** *index est voluntatis animi;* **frons,** *hilaritatis vel tristitiae.* Heus. quoted by Bl.

21. **C. Laelio,** surnamed *Sapiens,* the friend of Africanus Minor. Cf. p. 42, line 11.

23. **Filio,** sc. Alexander the Great. **Facilitate et humanitate.** See p. 35, line 34, note. **Video,** i. e. *lego apud scriptores.*

24. **Alter, alter.** See p. 20, line 7, note.

26. **Tanto summissius,** *with so much the more condescension;* here in a good sense, though more commonly in a bad sense, e. g. p. 47, line 32.

27. **Panaetius.** See Introd., p. 141. **Auditorem,** *pupil.* See p. 7, line 1, *audientem,* note.

29. **Contentiones praeliorum,** *races.* Hn.

33. **Perspicerent.** Instances of such a change as this, from the present in one clause (line 30, **soleant**) to the imperfect, oc-

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cur in Cicero only when authors are quoted whose lives belonged to the past, but whose writings to the present. Cf. *De Senect.* XXI., *De Amicit.* XIII. Sommerbrodt. 36

38. Assentatoribus, those who flatter from cowardice or weakness; **adulari** denotes a seeking to gain favor by an unworthy subserviency, which has its origin in a degrading, servile spirit. D. It is one of the few rare instances of a deponent used in a passive signification. M. 153; Z. 389. **Neve.** M. 459; Z. 535.

2. Opinionibus, sc. of their own superiority. 37

3. Versantur, *are involved in.*

4. Hactenus always implies a limit; literally, *up to this point* and no further. **Illud, etc.** On the sentiment of the passage, cf. Chap. XXI.

5. Maximi animi, instead of an adjective **animosas,** which is used of persons but not of things. Cf. line 8.

8. Vita otiosa. See p. 30, line 4, note.

10. Interjecti, *occupying a middle position between.*

13. Exaggerantes, *increasing* by heaping up.

14. Potiusque, *but rather.* See p. 29, line 26, note.

15. Usus esset, i. e. *opus esset;* seldom found in Cicero in this sense. Hn.

20. Liberalitati et beneficentiae. See p. 14, line 8, note, and p. 21, line 24, note. As they are contrasted with **libidini** and **luxuriae,** the former here denotes the disposition, the latter the outward act. Bl.

21. Servantem, *if one observes.* M. 393, **c,** Obs. 2; Z. 601. **Magnifice,** *nobly;* **graviter,** *with dignity,* i. e. without passion or excitement; **animose,** *spiritedly, fearlessly.* He.

22. Simpliciter, *openly,* i. e. without disguise. Hn. **Vere,** the MS. reading, and retained by Br., O., Gr., and He. He. remarks that **amice** cannot possibly take the genitive, and that the sense requires *generi hominum amice;* but that this change of reading would be too violent, and that the order would be *hominum generi* in Cicero. Bl. and Zt. read *vitae* instead of **vere.**

Chap. XXVII. 24. De una—honestatis, i. e. the fourth cardinal virtue. See p. 12, line 20 *et seqq.* It is the Σωφροσύνη of the Greeks, which properly denotes "the state of an entire command over one's passions and desires, so that they receive no further allowance than that which the law and right reason admit and approve." No single Latin word exactly represents the term. Hence

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37 the use of the different expressions which follow. Cf. *Tusc. Disp.* III. 8, 16: *Eam virtutem σωφροσύνην (Graeci) vocant, quam soleo equidem tum temperantiam tum moderationem appellare, nonnumquam etiam modestiam.* See also p. 12, lines 6–12; p. 13, lines 5–10; p. 129, line 29 *et seqq.*

25. Verecundia, *modesty* (from *vereri, to feel reverence*), which shuns overstepping the right measure out of regard *to other men.* D. On the meaning, cf. p. 39, line 23; p. 41, lines 23–25; p. 48, lines 33, 34.

26. Ornatus vitae refers to both the following words. For the distinction between **temperantia,** *self-control,* and **modestia,** see p. 12, line 26, note. They both, in distinction from **verecundia,** denote a regard *to the morals which the* **modus** *prescribes.* D.

27. Perturbationum. See p. 15, line 3, note.

28. Cernitur, *est rem aliquam ejusque singulas notas perspicere et dijudicare* (*discernere*). Kühner. Cf. *Tusc. Disp.* I. 20, 46: *Nos enim ne nunc quidem oculis cernimus ea, quae videmus.* **Loco.** See p. 13, line 11, note.

29. Πρέπον, *that which is seemly, fitness, propriety.*

30. Vis. See Lex. *s. v.* II. B. **Ea,** *such.* **Queat.** See p. 9, line 16, note.

34. Tum apparet, etc., i. e. it appears always as the consequence of virtue. Gr. Virtue lies at the foundation of it, or is the substance of which *moral beauty* is the outward form.

35. In hac parte, sc. *Temperantia.*

37. Tribus superioribus, sc. *Sapientia, Justitia, Fortitudo.*

38 **1. Tueri,** *to hold fast.* **Falli, errare.** See p. 13, line 16, note.

9. Recondita quadam ratione, *any abstruse reasoning.*

10. Quiddam, *a certain something,* is emphatic. It also denotes a definite person or thing which is, however, indefinitely described. M. 493, c. For the difference between it and the other indefinites, see p. 14, line 34, note, and p. 19, line 2, note. **Intelligitur, etc.,** i. e. is contained in the very idea of all virtue. Hn.

12. Re, *in reality.* **Venustas.** See p. 49, line 13, note.

14. Illud quidem. See p. 26, line 35, note.

15. Confusum, *blended with,* in all its parts inseparable from. Gr.

16. Discriptio, *division.*

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18. Huic subjectum, *subordinate to this*, as a part to the whole, as a particular to a general. Gr. See Lex. *s. v.* II. B, 2. 38

19. Illud superius, sc. **generale quoddam decorum**.

22. Quae, etc., i. e. which holds the same relation to it that *the species* does to *the genus*.

23. Pars. See line 18. **Generi.** See line 17, and Lex. *s. v.* II. B, 2, **a**.

24. Velint. See Lex. *s. v.* I. B, 8.

26. Liberali, lit., *befitting a man of free birth and education; genteel*.

Chap. XXVIII. 27. Haec ita intelligi, i. e. *that this explanation is correct*. Bl.

28. Alio loco, sc. in manuals of Rhetoric and Poetry, e. g. *Orat.* XXII., 71.

30. Persona, *character*. See Lex. *s. v.* II. B, 2.

32. Oderint dum metuant. This and the following line are probably from a tragedy entitled *Atreus*, by Attius, and are put into the mouth of Atreus himself. See Ribbeck, *Trag. Lat. Reliq.*

33. Ipse parens, sc. Thyestes, whose children Atreus, his brother, killed and served up to their father.

2. Animantium reliquarum, *over other creatures*. On the case, see p. 35, line 20, note, and cf. p. 80, line 7; p. 124, line 6. For the gender of *animans*, see Lex. *s. v.*; and p. 11, line 1, note. 39

4. Videbunt, for the imperative. See p. 7, line 14, note.

6. Partes. See Lex. II. B, 2, and cf. line 23.

7. Adversus. See p. 18, line 20, note.

8. Efficitur ut appareat, a phraseological peculiarity of the Latin, instead of the simple *hinc apparet*. Gr. M. 481, **b**; Z. 619.

9. Quam—fusum sit, i. e. *the wide extent of the idea of, etc.* Gr.

12. Apta compositione, *symmetry*.

18. Reverentia, etc. If a word in a certain signification may be constructed with two different cases, the two constructions are sometimes, but rarely, found in the same sentence united by a conjunction, or in antithesis. M. 219, **c**, Obs. 2; 283, Obs. 2. This change from a preposition and its case to an objective genitive is less frequent in Cicero than in later writers. Cf. *Ad*

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39 *Fam.* XI. 11. As to the sentiment of this sentence, cf. Ritter as quoted in the Introd., p. 141. **Optimi cujusque**, here *not* in a political sense. He.

19. **Se** sometimes stands in universal assertions, without being referred to a definite subject preceding, in the signification, *one's self*. M. 490, **c**, Obs. 5.

21. **Dissoluti**, *reckless*. **Est—differat**, a periphrasis for *Aliquantum differt*. Cf. line 8, note. **In—habenda**, i. e. in regard to the deportment which we ought to observe towards others. Cs.

23. **Violare** denotes an injury *to a person's rights*; **offendere**, an injury *to a person's feelings; to give offence, displease*, sc. *eos*. D.

27. **Autem**, *moreover;* continuative. **Eo**, sc. *decoro*.

28. **Deducit—naturae**, i. e. *efficit ut naturae convenienter vivamus*. Hn.

29. **Sequemur**. See p. 16, line 38, *amabimus*, note.

30. **Et id . . . est** refers to the first of the cardinal virtues, **et id . . . accommodatum** to the second, **et id . . . forte** to the third.

33. **In hac parte**, sc. *Temperantia*.

37. **Vis atque natura**, Hendiadys; *the natural constitution, essence*. Gr.

38. **Pars**, *faculty*. **Appetitu** includes the *appetites* and *passions*.

40 **1.** **Ratione**, lit., (from *Reor, to reckon*,) *a reckoning;* then, *that faculty of the mind which forms the basis of computation and calculation*, and hence of *mental action* in general. Cf. p. 11, line 12. For some of the other meanings in this work, see p. 9, line 33; p. 10, line 25, 36, 38; p. 12, line 35; p. 14, line 4; p. 25, line 2; p. 55, line 19. Aristotle also divided the mind into the *τὸ λόγον ἔχον* and the *τὸ ἄλογον* or *ἐπιθυμητικόν*. Plato made a threefold division, separating the *τὸ ἄλογον* into *θυμός* (*τὸ θυμικόν*) and *ἐπιθυμία* (*τὸ ἐπιθυμητικόν*). Cf. *Tusc. Disp.* I. 10.

2. **Ita fit—officii**, bracketed by Br. and O. Baiter considers **Ita fit obtemperet** a marginal gloss upon the following period (line 7 *et seqq.*), and **omnis—officii**, as made up from the definition of duty in *De Fin.* III. 17, and adds *si tollantur, quum sensa tum verba rectius inter se congruent*. That the passions should be subject to the reason follows from the conception of duty in general, for the nature of duty consists in doing nothing

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for which a rational ground cannot be given. Therefore Cicero here goes back to the definition of duty. The logical connection of the sentences is, to be sure, not made clear; yet it does not follow that the passage is spurious. He. He adds that the clause **ut—revertamur** (line 22) seems to have reference to it. 40

Chap. XXIX. **5. Nec vero agere.** The subject of this clause (*is qui aget*) must be supplied from **actio.** Gr. remarks that similar instances of a want of accuracy of expression are of frequent occurrence in this work; others regard the Latinity of the passage questionable, and Bl. substitutes *ratio* for **actio.**

6. Probabilem. Cf. p. 10, line 15, note.

7. Descriptio, lit., *delineation*, *definition.*

9. Pigritiam is a disinclination to any activity, and lies in the temperament; **ignaviam**, an aversion to work, and lies in the character. D.

13. Exsultantes, like the verbs **evagantur** and **retinentur**, shows that the passions are compared to horses of which reason is the driver. Cf. p. 36, line 29.

17. A quibus = *et ab iis*, sc. the passions personified. **Perturbantur**, a case of Zeugma. *Detorquentur* would perhaps be a more suitable word to agree with **corpora.** He.

20. Gestiunt, denotes the *outward manifestation* of delight.

22. Formam, *the conception* or representation. Cf. p. 12, line 17.

24. Animadversionem, here *self-observation* or *inspection.*

25. Temere is a want of consideration, *from impulse;* **fortuito**, a dependence upon chance. Gr.

30. Quietibus ceteris, *other kinds of rest* or *recreation.*

33. Ingenuum, worthy of one free-born, *refined.* **Urbanum** (line **38**) has the same meaning. Their opposite is **illiberale**, *rude*, *ill-bred.* Gr.

35. Honestatis, i. e. *quas honestas praescribit.* He.

37. Petulans, *abusive.*

38. Flagitiosum, *vicious.*

39. Ingeniosum, *witty.* T. Maccius **Plautus**, b. 254, d. 184 B. C.; whose twenty comedies are the earliest productions of Latin literature extant.

1. Antiqua comoedia. *The old* Athenian *comedy*, of which Aristophanes was the master, and which flourished in the last 41

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41 half of the fifth century B. C. It satirized living persons by name with great freedom.

4. *Ἀποφθέγματα, terse, pointed, sayings* of his contemporaries and fellow-countrymen of earlier times.

6. **Tempore.** See Lex. *s. v.* II. A. **Aut** is the reading adopted by Madvig, Br., and O., though the MSS. have *ut*. **Remisso,** *unbent*, at leisure from business. **Magno** is not found in MSS., but is inserted in italics by Br., O., and He., who remark that it is required by the phrase **ne libero quidem** in the next line.

9. **Ut—profundamus,** *that we do not sacrifice everything to it.* He. Others interpret, *that we go not to excess in it;* and Manutius makes **omnia** mean *ea scilicet, quae profundi solent in lusu: ut risus, clamor, sermonis libertas, etc.*

10. **Elati,** *being carried too far.* He.

12. **Campus,** sc. *Martius*, the playground of the Roman youth.

Chap. **XXX.** 14. **Officii quaestionem,** *inquiry about duty.* Gr.

16. **Pecudibus.** The dative is the most frequent construction with *antecedo*, though it may also take the accusative. M. 224, d.

17. **Ferunter** means *borne on* by instinct, and is antithetic to **ducitur** in line 20. Cf. p. 13, line 14, note.

23. **Re,** *in reality.* **Sed,** often used, as here, in resuming a thought which has been interrupted by a digression. *Verum, igitur, ergo,* and *inquam* are used in the same way. M. 480; Z. 739. **Erectior,** *a little more elevated* above instinct. Hn.

25. **Verecundiam,** *a sense of shame.* Gr.

28. **Sin.** See p. 23, line 4, note. **Quispiam.** See p. 14, line 34, and p. 19, line 2, and notes. **Tribuat,** *places some value on.*

30. **Victus cultusque.** See p. 11, line 24, note.

32. **Natura,** sc. *hominis*, which word is inserted by He., Gr., and Br., as essential to the sense, because the whole argument rests upon the superiority of man's nature to that of the brute. It is not found, however, in the MSS.

34. **Delicate,** *voluptuously.*

35. **Severe,** the opposite of **delicate ac molliter.**

38. **Ex eo quod,** *in consequence of this, that, etc.*

39. **A qua,** sc. as its source.

42 1. **Ex qua, etc.,** i. e. From this superiority of man *is derived the rational method of ascertaining our duty.* He. Cf. Chap. IV.

8. **L.** Licinio **Crasso,** consul B. C. 95, but not related to the

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triumvir of that name who is mentioned in line 30. He was 42
one of the two most distinguished orators of his time. Next to him and Antonius, in Cicero's estimation, ranked **L. Marcio Philippo**, consul B. C. 91, a prominent statesman, though neutral in the civil wars. See p. 80, line 23, and *Cic. Brutus* XLVII. **Lepos**, the lightest wit, in opp. to dull gravity; *facetiae*, the jocund wit, in opp. to sober seriousness; *sales*, the piquant wit, in opp. to what is flat and trivial; *dicacitas*, the satirical wit. D.

9. **De industria**, i. e. not possessed by nature, but acquired by effort. Zt.; *more studied*. Hn. **C.** Julio **Caesare** Strabone, an Aedile, in 90 B. C., and proscribed by the Marians three years later. He was also an eminent orator, and was noted especially for his wit. **10. Scauro.** See p. 32, line 1, note. **M.** Livio **Druso**, tribune B. C. 91. Belonging to the highest nobility, and immensely wealthy, he was yet a man of spotless integrity and the purest patriotism. His comprehensive and thoroughly considered measures of reform were most bitterly opposed by the aristocracy, and he was assassinated in his tribuneship. Mom.

11. **C. Laelio**, sc. the younger, mentioned on p. 36, line 21.

12. **Ambitio**, i. e. a striving to please others or to win their good-will. He. Cf. *Epist. ad Quint.* I. 1; *ad Fam.* XIII. 5.

14. **Simulatorem**, properly, *a feigner, pretender;* and it was characteristic of Socrates to feign ignorance, as Cicero says of him, *Brut.* LXXXV.: *Se omnium rerum inscium fingit et rudem.* Still, as the feigning ignorance was a *dissembling* knowledge, the term *simulator* could be used as the equivalent of εἴρων; though the latter properly means *dissimulator*, one who says less than he thinks. Cf. *Academica* II. 5: *Libenter* (*Socrates*) *uti solitus est ea* DISSIMULATIONE *quam Graeci* εἰρωνείαν *vocant.*

19. **Q. Maximum.** See p. 34, line 26, note. **Celare.** The present infinitive, by exception for the perfect, for the sake of vivid expression, here depends upon the perf. definite **accepimus**, after the analogy of *memini*. Z. 589; M. 408, b, Obs. 2.

20. **Praeripere**, *to anticipate*, and so to thwart. Gr. **In quo genere**, sc. of skill or ability.

21. **Jasonem**, tyrant of Pherae in Thessaly, fl. about 375 B. C.

22. **Versutum et callidum.** On the distinction in meaning,

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42 cf. *De Nat. Deor.* III. 10: *Versutos eos appello, quorum celeriter mens versatur; callidos autem, quorum tamquam manus opere, sic animus usu concalluit.* See also p. 63, line 13, note; p. 109, line 26, note, and D. *s. Astutus.*

23. **Factum Solonis**, sc. in feigning madness in order to recite with impunity an elegiac poem he had composed, calling upon the Athenians to reconquer Salamis, after a law had been enacted forbidding any such exhortation. **Ejus.** Regularly, *sua* would be used here, as the subordinate clause expresses the sentiment of the principal subject. See C. 117, 1; H. 449, 1; A. 196, *a*; G. 521. Madvig, 490, Obs. 3, speaks of such instances as this as "less carefully written."

24. **Plus aliquanto**, *considerably more.* Cf. p. 18, line 14, note. An adverb often supplies the place of the ablative, as e. g. **multum** in the next line. M. 270, Obs. 1.

25. **His.** The dative is the regular construction with *dispar*, except when it is used as a substantive in speaking of persons. It is then followed by the genitive. M. 247, b, Obs. 1. **Simplices.** See p. 109, line 25, note.

26. **De insidiis**, used adverbially, for *ex insidiis*, like *de improviso.*

27. **Putant.** On the mood, see p. 9, line 5, note.

32. **Contra** = *contrarium.* Hn. **Callicratidan**, the form given in several MSS., and adopted by Br. and O., though according to M. 35, Obs. 2, the ending **am** is most common in prose-writers. Callicratidas was a plain, blunt Spartan of the old school, with all the guilelessness and simple honesty of that character. Dict. Biog. Cf. p. 34, line 16 *et seqq.*, and notes.

34. **Aliquem**, a reading adopted by Br. and O., though the MSS. have *alium quemque.* **Efficere**, sc. *accepimus.* **Unus de multis**, *a common, ordinary man*, sc. by his freedom from any assumption of superior wisdom or rank. Cf. *Tusc. Disp.* I. 9: *Unus e multis.*

35. Q. Lutatio **Catulo, patre**, consul B. C. 102, and, with Marius, victorious over the Cimbri. He was familiarly acquainted with Greek literature; was the author of several orations, a history, and poems, and was noted for the grace and purity of his style.

36. **Filio.** See p. 32, line 2, note. **Q. Mucio Mancia**, an un-

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known person. He. thinks the reading should be *Q. Mucio, L.* 42
Marcio.

37. Scipione Nasica, consul B. C. 111, a man of incorruptible integrity, and, as an orator, noted for the purity of his language and his wit. **Patrem ejus.** See p. 32, line 6, note.

1. Ne Xenocratem—philosophorum, bracketed by Br., O., 43
He., and Gr., though found in the MSS. The passage has no grammatical connection; for the clause **Audivi ex majoribus natu** cannot apply to Xenocrates, nor was the assertion in the rest of the sentence true of him. It is therefore to be considered spurious. He. Xenocrates was a disciple of Plato, and afterwards president of the Academy.

Chap. XXXI. 6. Tenenda sunt sua, etc., i. e. each one ought to hold fast to his peculiar traits of character, so far as they are not vicious. Gr.

9. Universam naturam. Cf. p. 41, line 36 *et seqq.* With this phrase is contrasted (**10**) **propriam**, *individual character.*

13. Attinet. See Lex *s. v.* II. B, 3.

15. Emergit, *is evident.*

16. Invita Minerva, *contrary to the bent of your genius*, a proverbial expression. **Minerva** = *ingenio.*

17. Quicquam is also used with emphasis in relative and conditional propositions not negative, to increase the indefiniteness which would be implied in *aliquid* or *quid.* M. 494, b; Z. 709, *b.* Cf. p. 14, line 34, note.

18. Aequabilitas, *uniformity, consistency.* Cf. (**24**) **discrepantiam,** *inconsistency.*

22. Innatus, the reading of Br., O., and He. The MSS. have *notus.* **Qui—nobis,** *which is natural to us*, i. e. our mother-tongue.

24. Nullam—conferre, *to bring no inconsistency.*

26. Nonnumquam mortem sibi, etc. This was a doctrine of the Stoics. For more definite statements of Cicero's views on this subject, see *Somnium Scip.* 3, and *Tusc. Disp.* I. 30.

28. Cato, surnamed *Uticensis*, from Utica in Africa, where he committed suicide rather than surrender to Caesar, B. C. 46.

31. Lenior = *minus severa.* Gr. **Faciliores,** *more pliable.*

1. Contumelias ancillarum, sc. on his return to Ithaca from 44
his wanderings in disguise, as related in the 17th and 18th Books of the Odyssey.

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44 2. **Ajax**, the son of Telamon, next to Achilles the most distinguished and the bravest of the Greeks.

3. **Quo animo**, (sc. *fuisse*,) ablat. of quality, a concise expression for *eo animo quo, etc.; such was the (haughty) spirit he is said to have had.* M. 446; Z. 705.

4. **Illa**, sc. which Ulysses did. **Expendere.** See p. 7, line 2, note.

5. **Oportebit** denotes objectively the obligation of morality and honor binding upon any; *debere*, subjectively, the moral obligation which any man is under. D. **Quid sui**, *what peculiar traits.* **Sui** = *proprii.* Bl.

6. **Quam**, *how far.*

7. **Est cujusque maxime**, i. e. is most natural to each. Hn.

8. **Maxime. Suum quisque.** So Br., and O. The MS. reading is *maxime suum. Quisque.* He., Gr., Hn., and Bl. read *maxime suum. Suum quisque.* **Quisque**, if joined with *sui* or *suus*, follows these pronouns, except in relative clauses, where it joins itself closely to the relative and *se* or *suus* follows. Z. 800.

9. **Bonorum**, *good qualities.*

13. **Epigonos**, a tragedy of Accius (one of the two most noted Roman tragic poets b. B. C. 170, d. later than B. C. 100), as were also the **Melanippa** and the **Clytemnestra. Medum**, a play of Pacuvius, the other tragic author of eminence (b. about B. C. 220, d. B. C. 130), who also wrote the **Antiopa.**

14. **Rupilius**, an otherwise unknown actor whom Cicero had seen in his boyhood. **Quem.** C. 137, Exc , H. 407; A. 219; G. 375, Rem. 2.

15. **Aesopus** Claudius, the most celebrated tragic actor at Rome during Cicero's life. He was a friend of Cicero, and gave him instruction in elocution. For the violent exertions required in representing the part of *Ajax Furens* he was not fitted. Hn. **Ergo, etc.** In argumentative questions, *a minore ad majus*, it is Cicero's usage to state the propositions one after the other without any connecting particle, and generally to begin the first with *Ergo* or *An.* Cf. *Tusc. Disp.* I. 14; II. 17; *Pro Arch.* 8. Arn. See also Z. 781; M. 438. **Histrio**, *stage-player*, a less dignified term than *actor*, which denotes the player as a respectable artist. D.

16. **Hoc videbit**, *have reference to this*, sc. the selection of a part suited to him.

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18. Elaborabimus. On the mood and tense, see C. 191, 2; H 44
470, 1; A. 278, *a*; G. 235, and cf. p. 7, line 14, note.

20. Cura meditatio. *Cura*, the general term; *meditatio*, preparatory exercise, *practice.* Cf. *meditetur*, p. 54, line 10, and *meditari*, p. 75, line 39. **Diligentia**, sc. in the performance of an action. Bl.

21. At, often, as here, after a negative or conditional clause = *yet at least.* Arn.; M. 437, **c.**

Chap. XXXII. 25. Personis. See p. 38, line 30, note. **Quas supra dixi**, sc. p. 41, line 36 *et seqq.*

26. Tertia, sc. *persona.* **Aliqui**, a form found in some passages of Cicero and a few other authors, but otherwise obsolete. Z. 135.

27. Quarta, sc. which we come to have by our choice of a profession.

30. In casu sita, a causal participial clause.

32. Philosophiam, etc., the three professions most commonly adopted by men of education.

33. Ipsarumque virtutum, etc. "Cicero holds that in the extensive field of moral duty a multitude of particular paths may be traced out, of which one may be appropriately followed by one individual and another by a second. When, however, he carries this view so far as to maintain that *different individuals are calculated to shine in different virtues*, he again falls off from the Stoics to adopt the Peripatetic doctrine." Ritter, Hist. of Phil., IV. 156.

37. Q. Mucius, sc. Scaevola, Pontifex Maximus, consul B. C. 95. Cicero, in the *De Orat.* (I. 39), calls him the most eloquent of jurists and the most learned jurist among orators. His father, **Publius**, consul B. C. 133, was also an eminent lawyer. **Pauli.** Aemilius Paulus Macedonicus, consul B. C. 168, and conqueror of Perseus at Pydna the same year. His second son was adopted by P. Scipio, the son of Africanus Major, and so became P. Corn. Scipio Aemilianus **Africanus** Minor.

1. Eloquentia. Cicero, in his *Brutus*, asserts that the younger 45
Scipio surpassed all his contemporaries, except Laelius, in eloquence; and Mommsen styles his speeches "masterpieces of model prose, as well as expressions of the noblest patriotism."

2. Timotheus the Athenian, particularly noted for his signal victory over the Lacedaemonian fleet off Corcyra, in 375 B. C.,

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45 and several subsequent naval successes. His eloquence and learning must be traced, in a great measure, to his intimate friendship with Isocrates. Dict. Biog.

4. **Gloriam**, equivalent to **laudem**, and used to avoid a repetition of the same word. Hn.

6. **Institutum**, *purpose* or *plan of life.* **Consequantur** here =*sequantur*, as in *De Leg.* II. 18; *Brut.* 83; *De Nat. Deor.* I. 15.

7. **Elaborant**. See p. 8, line 13, note.

11. **Quos et quales** = *in quo genere laudis excellentes.* He. **Quos** is wholly general; **quales**, *what kind of men*, refers chiefly to the moral character; **quo genere vitae**, *what vocation, business.* Gr. For the construction of **quos** and **quales**, see p. 28, line 8, note.

13. **Ineunte adolescentia**, i. e. on assuming the *toga virilis.*

18. **Quod**, *as to what.* **Herculem Prodicus**, the reading adopted by Br., O., He., and Gr. Others have *Herculem Prodicium.* **Prodicus**, a native of Iulis in Ceos, a sophist and rhetorician who flourished in the 5th cent. B. C. **Apud Xenophontem.** This story of the "Choice of Hercules" is given in the *Memorabilia* II., 1, 21.

21. **Exisse**, sc. Hercules. **Solitudinem**, a solitary place.

23. **Voluptatis**, in Xenophon, Κακία.

24. **Jovis satu edito**, a poetic phrase, probably a translation from some Greek poet. Gr.

25. **Non item.** Z. 730, *b.*

26. **Quos**, sc. *imitari.*

27. **Studia**, *pursuits.* **Impellimus**, **deducimur**, and **feruntur** denote want of independence of choice, and are contrasted with **secuti**. Gr.

28. **Consuetudinem** properly denotes the uniform observance of anything as a custom, arising from itself and having its foundation in inclination or convenience; **morem**, as a product of reason and of the self-conscious will, having its foundation in moral views or the clear dictates of virtue, right, and decorum. D.

29. **Feruntur**, *are carried away.*

30. **Majori parti**, *the majority.*

32. **Bonitate.** Cf. p. 9, line 8, note. **Sine.** So Stuerenburg, Br., and He., who consider it required by the opposition, to **ple-**

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rumque, etc., and alii, etc.; though the MSS. have *sive*, which 45
is also preferred by O., Gr., and Zt. **Parentium.** So Br., O., and He. See C. 29, IX.; H. 64, 2, 1); A. 55, *a*; G. 54, Rem. **Disciplina,** the whole *education;* **praeceptis,** *particular instructions* merely.

Chap. **XXXIII.** 34. **Illud,** *The following.* M. 485, b; Z. 700.

35. **Eorum.** Definitive or epexegetical genitive. See p. 23, line 14, note.

36. **Eruditione atque doctrina,** *literary cultivation.* Hn. **Utraque,** sc. **excell.—magnit.** and **erud.—doctr.**

39. **Consilium,** *plan, proposed course of life.* **Est revocandum,** *ought to be referred to.* See Lex. *s. v.* I. B, 2.

2. **Ex eo—natus est,** i. e. from the peculiar nature or natural 46
characteristics of each. He. **Ut supra,** sc. p. 43, line 6 *et seqq.*, and p. 45, line 10 *et seqq.*

4. **Ei rei,** sc. *exquirere* **ex eo—deceat.**

5. **Constare nobis,** *remain true to our own selves, be consistent.* Gr. **In perpetuitate vitae,** *throughout the whole duration of life.* Gr.

6. **Ullo officio,** *the discharge of any duty.* **Ad hanc rationem,** *for reckoning* or *computing this;* equivalent to **deliberatione** above.

8. **Utriusque,** sc. natural disposition and outward circumstances, the latter here denoted by *fortuna.* He. **Omnino,** where followed by **sed** = *to be sure, indeed.*

10. **Ut** = *ita ut.*

11. **Tamquam,** i. e. as though Fortune, instead of being a powerful goddess, were as inferior to Nature as mortal to immortal. Hn.

13. **Non vitiosae,** *so far as it is not depraved.* Gr.

14. **Contulerit,** *has adapted.* **Teneat.** See p. 14, line 20, *teneat*, note.

17. **Morum,** here, not *character,* but *mode of life.* He.

18. **Tempora,** *circumstances.*

22. **Diluere,** the reading of most of the MSS., and adopted by Br., He., and Gr. Zt. reads *dissuere.* Cf. *De Amicit.* Ch. XXI.

24. **Bono consilio,** *upon mature consideration.* He. **Ut videamur,** i. e. *that men may see that we, etc.* He. Cf. p. 51, line 18.

27. **Vitia,** *faults,* the general term. **Non feret,** *will not permit.*

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46 28. **Possit,** sc. *is qui imitatur*, to be supplied from the preceding sentence. He. **Africani,** sc. the Elder. The son was elected augur in B. C. 180, and was also Flamen Dialis, but took no part in public affairs. Cf. *De Senect.* XI.

29. **Hunc,** sc. Africanus Minor. This pronoun is used because he lived nearer the time of Cicero, or because he was mentioned just before. On the use of the pronouns, cf. p. 18, line 28 and p. 31, line 27, and notes.

30. **Patris similis,** sc. *ipso genere vitae.* Hn.

31. **Ille,** sc. Africanus Major; **sui,** sc. Publius Scipio. See p. 27, line 14, note. On the case, see p. 13, line 6, note. **Si igitur.** See p. 41, line 23, note. **Sive, sive,** M. 442, **b**; Z. 339.

32. **Defensitare,** *to practise defending.* **Concionibus,** *harangues.* **Tenere,** sc. *the attention.*

34. **Justitiam, etc.,** i. e. the virtues which he has called *leniores*, and which belong to every really good man. Cf. p. 22, line 32 *et seqq.*

35. **Id quod desit,** *his deficiencies in other respects.* Hn.

36. **Requiratur.** See Lex. *s. v.* II. B.

38. **Cui,** sc. *gloriae.*

39. **Vitium,** the reading of most MSS., and adopted by Br. Most other editors prefer the reading *impium.* **Nefas,** propter *virtutem*, vitium, propter *res gestas*, dici necesse est. Stuerenburg.

47 Chap. **XXXIV.** 4. **Vereri,** *to cherish reverence*, respect bordering on fear. D.

5. **Exque.** The unemphatic particles *que, ve, ne* are sometimes appended to a preposition of one syllable, but more usually annexed to the noun governed by it. M. 469, Obs. 2.

7. **Constituenda,** *trained*, = *instituenda.*

9. **Patientia,** *endurance.*

10. **Eorum** refers, by a frequently occurring *constructio ad sensum*, to **aetas**, line 8. He. Cf. p. 55, line 4, **In quibus** (referring to **pars** in the preceding line). For the repetition of **in**, see p. 21, line 24, note.

12. **Jucunditati,** a milder expression for *voluptati.*

14. **Ne,** wanting in the MSS., yet inserted by Stuerenburg, He., Br., and O. One MS. has *volent* instead of **nolent.** **Ejusmodi rebus,** i. e. amusements and pleasures of every kind. Gr.

20. **Dedat,** a stronger expression than **dare se jucunditati,** (line 12,) as it denotes a more complete surrender. Bl.

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23. For the tense of **accessit**, see M. 335, b, Obs. 1. 47

24. Concipit, *incurs.*

26. Alienum, *inappropriate, irrelevant.* **De civium**, He. considers superfluous and an interpolation, on the ground that the following sentences treat of the duties of *magistratus, privati*, and *peregrini*, but *not* of the duties of citizens. It is also bracketed by Br. and O.

28. Munus. See p. 9, line 31, note, p. 12, line 32, note, and p. 79, line 1, note. **Gerere personam civitatis**, *is the representative of the State.* Gr.

30. Servare leges, *to support its constitution.* He. **Jura discribere**, *to distribute, administer justice.* Cf. p. 64, line 36.

31. Aequo et pari. These synonyms are here joined together to strengthen the idea. He. When they are contrasted, the former has reference to quality or kind; the latter to quantity or degree. Cf. *De Amicit.* IX.

32. Summissum et abjectum, i. e. having a slavish disposition unworthy of a freeman. Bl.

33. Se efferentem. See Lex. *s. Effero*, II. C, 2, b.

35. Peregrini is a foreigner, as *a traveller;* **incolae**, as *a resident* without the rights of citizenship. He.

37. De alio anquirere, i. e. to be a busybody in other men's matters.

38. Curiosum, here in a bad sense, *meddlesome.*

Chap. XXXV. See Synopsis.

6. Formositate, (a rare word,) *beauty, comeliness* in general. 48
He. This is treated of in the following chapter.

7. Ordine means the fitness of individual parts to each other, and of the whole to external circumstances. See Chap. XL. **Ornatu**, outward embellishment or decoration. He. **Ad eloquendum**, *to express in words;* i. e. to give a complete and exhaustive definition of. Bl. **Ad**, with the gerund, is often used in the same signification as the supine in **u**, particularly after *facilis, difficilis*, and *jucundus.* M. 412, Obs. 3.

8. Intelligi, sc. *eas, that they be understood.* Instead of **satis erit**, an adjective corresponding to **difficilibus** would regularly occur. Bl. See M. 480. **Autem**, *moreover*, used to carry on a train of thought already begun. Arn. It connects **continetur cura** with the preceding part of the causal clause introduced by **quoniam.**

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48 9. **Ut probemur**, a clause of result partaking also of the character of an appositive to **illa**. **Quibuscum**, sc. members of the same family, refers to personal intercourse; **apud quos**, sc. fellow-citizens, refers to local connection. He.

11. **Principio**. See p. 11, line 1, note.

12. **Formam** denotes shape in an æsthetical relation as far as it is a visible stamp and copy of an interior substance to which it corresponds; hence, all that by which one individual is distinguished from another. Here it seems to be used especially of *the face*. He. **Figura** denotes shape in its mathematical relation as far as it possesses a definite outline, *contour*; **species**, in its physical relation as far as it stands opposed to something invisible, which it covers as a mere outside. D. *s. Figura*.

13. **In qua**, i. e. *in so far as in it*.

14. **Eam** is redundant. When a substantive or pronoun has been separated from its predicate or governing verb by an intervening (especially a relative) clause, it is sometimes *emphatically* recalled to mind by the pronoun *is*. M. 489, **a**; Z. 744.

15. **Deformem**, *unseemly*, that which offends the finer sensations and excites dislike, in opp. to *formosus*; **turpem**, that which offends the sense of decency. It is the stronger term, and hence is connected by **atque**. Cf. p. 54, line 8, and see D. *s. Taeter*.

18. **Imitata est**, *has followed, adapted itself to*. He.

21. **Quarum usus sunt necessarii**, i. e. which *only* serve for necessity. Hn.

25. **Petulantia**, *indecency, immorality*.

26. **Orationis obscenitas**, *immodesty, vulgarity*, sc. *petulantia vacat*. The phrase is antithetic to **actio aperta**.

27. **Stoici paene Cynici**. Zeno, the founder of the Stoic school, was a pupil of Crates the Cynic, and retained essentially the ethical doctrines of the Cynics.

29. **Ac verbis**. Omitted by most MSS. and Br. He., on the other hand, omits **nominibus ac**, and Hn. brackets them. Two MSS. and O. insert both nouns.

32. **Liberis**, i. e. to the procreation of children.

33. **In eam sententiam**, *to the same purport*.

34. **Eisdem**, sc. philosophers.

35. **Ab omni**. This construction with *fugere* is unusual, yet

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it occurs elsewhere in Cicero. Cf. *De Nat. Deor.* III. 13. See 48
Lex. *s. Fugio* I. C. On the number of **omni**, see M. 301, b.

37. Accubitio, sc. *epularis, reclining at table.*

1. Durum, *coarse*, opposed to **molle**, *dainty;* **rusticum**, *boor-* 49
ish, clownish, to **effeminatum**. **Histrionibus**. The object of the subordinate clause is attracted into the principal clause; a Greek idiom, not common in Cicero. Cf. p. 125, line 20, and see M. 439, Obs. 1.

3. Dissoluta, i. e. *have no application to* or *are not binding upon.*

7. Aspiciantur non decore = *aspectum non decorum praebeant.* He.

8. More. See M. 256. **Parentibus**, here, = *patribus.*

10. Natura—duce, equivalent to a causal or conditional clause. Gr.

Chap. XXXVI. 13. Venustas, *loveliness* as far as by its charms it excites desire and captivates. As contrasted with it, *pulchritudo* means beauty as far as it excites admiration and satisfies a cultivated taste by its perfectness; *formositas*, as far as it excites pleasure by fineness of form. It appeals to the natural sense of beauty. D. *s. Formosus.* Cf. p. 38, line 12, and p. 39, line 11. **Dignitas**, *nobleness of mien*, such as inspires awe or respect. Hn.

17. Palaestrici motus, i. e. those that are taught in the places for exercise which the Romans, in imitation of the Greeks, built in their villas, and which they called indifferently *gymnasia* and *palaestrae.*

18. Odiosiores, *somewhat offensive*, i. e. because too stiff or affected. **Ineptiis**, *affectations.*

20. Coloris, *complexion.* Paleness was regarded by the Romans as a sign of sloth or effeminacy.

23. Exquisita, *studied.* **Tantum quae**, *only so far that it.* **Inhumanam**, *unbecoming in a man, ill-bred.*

28. Ferculis, portable frames or platforms for carrying the images of the gods, spoils of the enemy, and sometimes captives in solemn processions. They were borne upon the shoulders of men. He. regards the word as here meaning *the march* of those who bore the *fercula.*

31. Constantiam, a calm steadiness of character.

34. Perturbationes, *violent passions.* Cf. p. 15, line 3, note. **Exanimationes**, here, *fits of dejection, despondency.* He.

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49 36. **Motus animorum.** Cf. p. 39, line 37 *et seqq.*

50 **Chap. XXXVII. 3. Et quoniam—est.** Cf. p. 76, line 1 *et seqq.* Instead of the clause *de hac quoque pauca dicamus*, which would naturally follow, Cicero proceeds at once to describe the difference between the two kinds of speech. Cf. p. 47, line 1 *et seqq.*; p. 48, line 4 *et seqq.* **Magna vis**, i. e. contributes much to the attainment of the virtue of *decorum*. Gr. **Orationis.** See p. 23, line 38.

4. **Contentionis**, lit., *exertion;* here, *a sustained effort in speaking, oratory.* Hn. **Sermonis**, *conversation.*

5. **Disceptationibus—senatus**, i. e. the three kinds of oratory —judicial, demonstrative, and deliberative.

8. **Contentionis, rhetorum**, objective and subjective genitive, respectively. See Z. 423, note. For other instances and the usual order, cf. p. 22, line 4; p. 23, line 35 and note.

10. **Haec**, i. e. *sermonis praecepta.* **Sed discentium, etc.**, i. e. where there are pupils desirous to learn in anything, there will be found teachers to instruct.

11. **Huic**, sc. *sermoni.*

12. **Turba**, *throng of pupils.* **Quamquam.** See p. 16, line 39, note.

13. **Sententiarum**, *sentences.* **Sunt** = *tradita sunt.*

14. **Orationis indicem**, (lit., *discloser,*) *for the expression of, as an exponent of our speech.*

15. **Sequamur**, *strive after, aim at.*

16. **Utrumque, etc.**, i. e. both are the gift of nature.

18. **Presse**, not merely *concisely*, but *with a clear, distinct enunciation*, expressing the full sound of each letter, not dropping any. Hn. Cf. *De Orat.* III. 12: *Non aspere—non vaste, non rustice non hiulce, sed presse et aequabiliter et leniter.*

19. **Catulis.** See p. 32, line 2, and p. 42, line 35, notes. **Ut —putares**, i. e. *to lead you to suppose.* **Exquisito judicio**, *exquisite taste.* **Litterarum**, i. e. in the pronunciation of each letter. He. Hn., however, interprets it *literature.*

20. **Et**, sometimes (as here) employed as an adverb for *etiam, also;* but in the earlier writers only, for the most part, in certain combinations, e. g. with *sed, simul, nunc, etc.* M. 433, Obs. 1; Z. 335.

22. **Expressae**, *mouthed.* See Lex. *s. v.* B., 2 *in fin.* It is

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explained by **putidum**, *offensive*, (here, *to the ear;*) **oppressae**, *uttered indistinctly, mumbled*, by **obscurum**. 50

23. Sine contentione, *free from strain, effort.* Hn.

24. Languens, *drawling* or *monotonous*. He. **Canora**, *too much modulated*. He., who cites *Orat.* 18; *Quintil.* XI. 3. **Uberior**, *more copious*. **L. Crassi**. See p. 42, line 8, note.

25. Bene loquendi, i. e. that they were good speakers.

26. Caesar, sc. Strabo. See p. 42, line 9, note. He and the elder Catulus were sons of Popilia.

27. Forensi—dicendi, *forensic department of eloquence.*

28. Contentiones, *the labored speeches.* **Sermone**, *easy, conversational style.* Hn.; *his discourse, flowing on in the tone of ordinary conversation.* He.

30. Ergo. See p. 41, line 23, note.

31. Socratici. Cicero has in mind the dialogues of Plato, Xenophon, and Aeschines. Cf. p. 41, line 2. **Pertinax**, *dogmatic.*

33. Excludat alios, sc. from participating in the conversation. The subject of this and the following verbs is *is qui utitur sermone*, to be inferred from **sermo**. Hn. Cf. p. 46, line 28, *possit.*

35. Non iniquam, a case of Meiosis, for *prorsus aequam*. Gr.

39. Studiose, *purposely, intentionally.* Cs.

1. Per ridiculum, *in joke*, opp. to **severe**, *in earnest.* Hn. 51

4. Re publica, *political affairs.*

6. Oratio, the more general term, here = *sermo*. **Utcumque aderunt**, *according to the character of the company present.* He. On the mood, see Z. 521.

7. Iisdem de rebus, sc. *colloquendo* or *oratione*. He.

10. Ita sit desinendi modus, i. e. so (the speaker) should know *the limit* where he should *leave off.* Garve.

Chap. XXXVIII. 15. Pigritia. See p. 16, line 13, note. **Ignavia**, *indolence.*

18. Videamur. See p. 46, line 24, note.

21. Videamur irati, i. e. assume the appearance of anger but avoid the reality. Hn. Cf. *Tusc. Disp.* IV. 25: *Oratorem vero irasci minime decet, simulare non dedecet. An tibi irasci tum videmur, quum quid in causis acrius et vehementius dicimus?*

22. Urendum et secandum, *cauterization and amputation*, painful operations in surgery. Hn.

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51 **26. Magnam partem,** *in most cases.* On the construction, see p. 15, line 10, note.

27. Castigatione. See p. 36, line 1, note. **Gravitate,** *dignity.*

28. Contumelia repellatur, i. e. *abstineatur a contumelia.* He. The same meaning is to be given to **pellere** (line 34).

29. Quod acerbitatis. Cf. p. 13, line 26, and note. The antecedent is here attracted into the relative clause. The natural order would be *illud ipsum acerbitatis, quod—objurgatio, . . . esse susceptum.*

36. Qui adsunt, *the bystanders.* Hn.

37. Ipsum, in the same case with the subject, because it is intended to express what the subject *itself* does (as distinguished from what others do). Cf. p. 16, line 38, note.

38. Militem gloriosum, a favorite character in the new Attic as well as the Roman comedy, like that of Pyrgopolinices in the *Miles Gloriosus* of Plautus, and that of Thraso in the *Eunuchus* of Terence. He.

Chap. XXXIX. 39. Omnia, sc. *quae pertinent ad expositionem Decori.* Cs. **Volumus,** sc. *persequi.*

52 **2. Honorati,** i.e. who fills or has filled high offices in the State. **Placeat,** the technical expression for *the doctrines* of philosophers, which are therefore also called *placita.* Gr.

3. Finis, *design, object.* Cf. *De Orat.* I. 42. **Aedificandi descripto,** *the plan of the building.* He. Cf. p. 40, line 7, note.

5. Diligentia, *a careful regard for.* He. **Cn. Octavio,** naval commander in the war against Perseus, and consul B. C. 165.

7. Palatio. The Palatine hill became the most fashionable place of residence in the city. The house of Hortensius was bought by Augustus, and from that time became the residence of the emperors. Hence *palace,* in English.

8. Suffragata, here, as often, used of *things* which procure favor, *assist.* Gr.

9. Novo homini, i. e. the first of his family who obtained a curule office. See Dict. Antiqq. *s Nobiles.*

10. M. Aemilius **Scaurus,** a son of the Scaurus mentioned on p. 32, and stepson of Sulla, distinguished for the magnificence of the theatre he built, and the great scale on which he conducted the public games during his aedileship, B. C. 58; and for his trial and banishment, B. C. 52, on a charge of bribery. Hence the phrase **ignominiam et calamitatem** (line 13). **Ac-**

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cessionem—aedibus, i. e. used the material of the house of 52
Octavius for enlarging his own. Hn.

13. **Repulsam**, sc. his failure to obtain the consulship in B. C. 54, occasioned by his trial.

14. **Enim**, i. e. *Nec id mirum*, **enim**, *etc.*

17. **Sua**=*sui*. The possessive pronoun is sometimes, though rarely, substituted for a clearly objective genitive. M. 297, b, Obs. 1; Z. 424. Cf. p. 113, line 28: *fidem tuam.*

20. **Aliter**, *in other cases*, i. e. where there is no occasion for large apartments for the reception of a throng of visitors.

22. **Alio domino**, ablat. absolute of time.

23. **Frequentari**. See Lex. *s. v.* II.

25. **O domus, etc.**, fragments of two iambic senarii from some unknown poet. The first line lacks the first foot and half. Bl. Gr. divides it as follows: O | domus an- | tiqua, heu | quam dis- | pari.

26. **Dominare**, used passively. See M. 153.

27. **In multis**, *with reference to many houses.* By sale or by gift from him, many palaces of the nobility had come into the possession of the adherents of Caesar.

29. **Extra modum prodeas**, i. e. become extravagant.

32. **L. Luculli**, distinguished for his generalship in the third Mithridatic war, his justice, his love for literature and art, and the luxury of his later life. He had a villa at Tusculum and one near Neapolis, upon which he expended vast sums of money.

34. **Imitati**, bracketed by He. (as well as by Br. and O.), who thinks it more probable that this word crept into the text than that *sunt* (which Cicero's usage would require with it) should have been dropped out. In both clauses the verb can be readily supplied from what precedes. See M. 478.

35. **Modus**, *a limit.*

36. **Usum cultumque**, *the necessities and adornments.* Garve.

1. **In omni actione**. A precept respecting conduct in general 53
has been already given in Chap. XXIX. This is now repeated, and to it is added the substance of the first part of Chap. XXXV., on decorum of manner. He.

5. **Neve—neve**, repeated, (like *neque—neque*,) is used in prohibitions (though of rare occurrence), and in dependent clauses with ut preceding. M. 459; Z. 535.

7. **Caveamus ut** = *curemus ut.* He. See p. 16, line 2, note,

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53 and p. 31, line 9, note. **Liberalem speciem,** *a gentlemanly exterior,* i. e. that which is befitting a free and educated man. Cf. p. 38, line 26.

8. **Moderata sint,** *be limited by proper rules.* Hn.

9. **Decus,** *that which is becoming.* **Ante diximus,** sc. in this chapter respecting houses, furniture, etc. Bl.

Chap. XL. 12. Deinceps. See p. 21, line 23, note.

15. Hanc, sc. εὐταξίαν, (lit. *good order,*) in its *first* meaning of *control over our desires.* The pronoun is attracted from the ablative into the accusative through the influence of the relative clause. He. **Modestiam,** sc. as derived from *modus,* and used in its primitive meaning, for which see p. 12, line 26, note. Cf. also **moderatione,** line **29,** and **temperantia,** line **30.**

16. Illa is made the subject of an independent clause instead of being in the accusative to correspond with **hanc,** or in the ablative to correspond with **scientia ea.** Cf. p. 13, lines 18 and 22.

16. Εὐταξία, sc. as here meant. As a philosophical term it signified "the quality of saying and doing everything in the proper place and at the proper time," *correctness of conduct.*

17. Ut—appellemus, i. e. to use *modestia,* (which properly involves the notion of *moderation,*) for want of a more fitting Latin word, as an equivalent of εὐταξία (**eandem**) in this *its second* meaning of *propriety.*

19. Loco, etc., i. e. *opportuno tempore dicendarum et agendarum.* Zt.

20. Eadem vis, i. e. both appear to have the same signification.

21. Collocationis, *right placing* or *arrangement.* It is only the abstract term, equivalent to *loco suo collocandarum,* a translation of Καταχωρισμός. He. **Nam et** = *nam etiam.* See p. 50, line 20, note.

23. Opportunitatem temporis, sc. *agendi,* its *suitableness as to time.*

25. Εὐκαιρία, *a good season, fitting time.* To this **occasio** is not precisely equivalent, for in the latter lies the idea of chance. The opposite of εὐκαιρία is ἀκαιρία. He. **Occasio** also conveys the idea of time, which **opportunitas** lacks, as this whole passage shows. Cf. *Invent.* 1. 27: *Occasio est pars temporis habens in se alicujus rei idoneam faciendi aut non faciendi*

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opportunitatem. According to D., however, **opportunitas** is 53
more properly the equivalent of εὐκαιρία, since it denotes the opportunity to undertake something with facility and the probability of success; while **occasio** is the opportunity to undertake something in a general sense.

26. Quam ita interpretamur, i. e. in that sense of the word which is assigned to it in line 19.

28. Prudentiae = φρόνησις, is "an understanding of what one ought to do or not to do," and subordinate to this is εὐβουλία, "an understanding of the kind and manner of actions which will be expedient." The choice of the right time and the fit place is, therefore, as much the business of this (*prudentia*) as of that which he is specially speaking of, viz.: εὐταξία or *modestia.* The difference between the two ideas is indicated in what follows: **quae pertinent—vivimus**, line 33 *et seqq.* He.

29. Principio, sc. in Chh. V. and VI., where, however, nothing is said of *this kind* of prudence in particular. He.

31. Quae erant, etc. = *quae super demonstraverimus esse, etc.* He. Cf. p. 71, line 33.

32. Quae—virtutum, sc. *propria erant.* **De quibus—loquimur**, sc. from the beginning of Ch. XXVII. On the tense, see p. 7, line 1, note.

35. Ordo, *spirit of order*, or *regularity.* Gr. Cf. p. 56, line 32, and note.

36. Oratione constanti, i. e., one in which not only the individual parts accord with one another, but also the subject-matter, style, and delivery. Bl.

39. Convivio digna, the reading of most MSS., and adopted by Br., O., and He.; sc. such jests and pleasantries as are proper at a feast. Cf. p. 40, line 36 *et seqq.*, and p. 50, line 37 *et seqq.* **Delicatum**, *wanton, lascivious.*

2. In praetura, *here* = στρατηγία. According to Cicero, *De* 54
Leg. III. 3, *Praetor* (from *Praeire*) was a title which originally designated the consuls as *the leaders of the armies* of the State. The praetorship, as a separate office for the administration of justice, was established in B. C. 366. **Sophoclem**, the tragic poet. The *Antigone*, the earliest of his extant dramas, which he brought out in 440 B. C., gave the Athenians such satisfaction, especially on account of the political wisdom it displayed, that they appointed him one of the ten *Strategi*—of whom Peri-

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54 cles was the chief—in the war against the aristocratical faction of Samos. Dict. Biog. **De communi—convenissent,** *had come together* to deliberate concerning the common business of their office. He.

5. At is often employed to introduce in a new proposition an objection to something previously stated. M. 437, **c**; Z. 349. **Enim** introduces the reason for the objection.

9. Ut, *For example.* **Si qui.** This form of the indefinite pronoun occurs especially in relative clauses and usually after *si*, *nisi*, *ne*, and *num.* M. 493, **a.** Cf. p. 17, line 37, note.

12. Inhumanus. See Lex. *s. v.* I. B. **Inscitia temporis,** i. e. because he does not see what *outward circumstances* make necessary. He.

13. Ab humanitate discrepant, *do not accord with good breeding.*

14. In foro cantet, sc. the place for transacting the most important public business. Cf. p. 115, line 22 *et seqq.*

18. Ab iis. On the construction, cf. p. 48, line 35, note; M. 421, **a.**

20. Sciente, *connoisseur.*

21. Vel, *or even.* In *vel* there is often an ascent from the less to the greater, so that it = *or even*, or, if there is no preceding word to which it refers, *even.* Arn.; Z. 734; M. 436, Obs.

Chap. XLI. 25. Minima, sc. *faults.*

26. Animadversores. To this the MSS. append *que*, which is retained by Br. and O. Klotz supplies also *spectatores*, and others insert *judices* before **esse.** The condition is not that we be in general *acres ac diligentes*, but that we be so in the examination of faults. Therefore a noun is necessary with these adjectives, and we must either suppose that one like *spectatores* has dropped out or that *que* has been interpolated. He.

31. Eorum, sc. *quae fiunt*, referring to **magna.**

32. Officio, here = *decoro,* the general for the special term.

34. Illos, the reading adopted by Br. *Decet* and *dedecet* govern the accusative of the person. M. 226; Z. 390. O., He., Zt., and Gr. prefer *in illis*, the reading of one MS. Most MSS. have *in illos*, and one has *alios.*

37. Corriguntur, sc. *ii.* **Imitantur,** *mimic.*

38. Alienum, *unsuitable.*

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39. **Ad ea eligenda**, a shortened expression for *ad eligendum ex iis* or *ad ea dijudicanda*. Hn. Cf. p. 23, line 18. **Adhibere**, *to consult*. See Lex. II. B. 54

2. **Quoque—genere**, i. e. each kind of duty in question. 55

3. **Deferri, deducitur.** For the distinction between these words, see p. 41, line 17, note.

4. **In quibus** refers to **major pars**. Cf. p. 47, line 10, note. Gr. would supply *hominibus* from that phrase.

6. **Enim** introduces the *second* reason for asking advice of men of learning and experience about duty, viz.: that artists take this course with regard to *their* works. The first reason was given in line 3,—i. e. that the opinion of the majority is generally the voice of nature, and that nature is the true guide.

8. **Volt.** For the number, see M. 217, Obs. 1; C. 110, 5; H. 461, 3; A. 205, *b*, Rem.

13. **Agentur.** The future tense stands with reference to the particular case which will perhaps occur. He.

14. **Illa ipsa**, sc. *mos et instituta*. Gr.

16. **Aristippus**, the founder of the Cyrenaic school of philosophy, who flourished about 370 B. C.

17. **Fecerint.** If two subjects are connected by **aut**, the predicate is sometimes regulated (in number) by the nearest subject; sometimes it is put in the plural. With **aut—aut** it is almost always regulated by the nearest subject, except when the subjects are of different persons. M. 213, b, Obs. 1. Cf. p. 38, line 31. Bl., however, holds that **aut** loses its disjunctive force in a negative sentence. Z. 374; M. 458, c, Obs. 2.

18. **Bonis**, *qualities, character*. Garve; *intellectual endowments*. Cs.

19. **Cynicorum ratio**, *the philosophy*, i. e. the doctrines and the mode of life of the Cynics, whose founder, Antisthenes, rejected all regard for manners and decorum. Gr. See p. 48, line 27, note.

20. **Verecundiae**, *modesty, decorum*. Cf. p. 48, line 26.

23. **Bene . . . sentientes**, etc., *good patriots, those who either have rendered or are now rendering service to their country*. Hn.

24. **Sic ut** = *not less than if*. Gr. **Honore aut imperio**. See p. 15, line 26, note.

25. **Observare**, used only for demonstrations of reverence towards men, and involves a more tender regard; **colere**, for such

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55 demonstrations towards either gods or men, and involves a more palpable activity. D. **Tribuere multum,** *render high honor to.*

26. Cedere. See Lex. *s. v.* II. A, 3.

27. Habere delectum, i. e. to make a distinction between them in our treatment. He.

28. Privatim an publice, in a private or official capacity, as a representative of his State. **Ad summam,** *In short.*

Chap. XLII. 32. Artificiis includes here all employments which elsewhere, in contrast to the fine arts and literary pursuits, are called *opificia.* Strictly, the latter denotes the business of those who use only mechanical skill and industry ; the former, of those who employ also mind and invention in their mechanical functions. D. Cf. **opifices,** p. 56, line 3. **Quaestus liberales** are modes of acquiring gain *worthy of a free man.* Gr. **Ingenuum** (p. 56, line 4,) is used in the same signification.

33. Sordidi, *mean, vulgar.* **Accepimus** refers not to the teachings of philosophers, but to the customs and usages handed down from earlier times. He.

35. Portitorum, *custom-house officers,* an inferior class of men, employed by the *Publicani* (farmers of the public revenue, and generally of the equestrian order) to examine the goods exported or imported, and levy and collect the custom-duties upon them. They belonged to the same class as the *publicans* of the New Testament. Dict. Antiqq. **Faeneratorum,** *usurers,* those who made it their business to loan money at illegal and exorbitant rates of interest. They were universally despised and hated.

36. Mercenariorum includes not only mechanics and day-laborers, but also such workmen as the *scribae.* Gr.

37. Operae, *manual labor ;* **artes,** *artistic skill.*

38. Auctoramentum, *the purchase-price* or consideration for which they contract to become slaves. Garve.

39. Qui mercantur, etc., i. e. *retailers.*

56 **1. Nihil proficiant,** sc. in acquiring money.

3. Opifices omnes. Among the Romans, agriculture only was considered an occupation worthy of a freeman in peace.

7. Cetarii, etc., from the *Eunuchus,* Act II., Scene 2, 26. **Cetarii,** dealers in salt fish, called also *salsamentarii;* **piscatores,** in fresh fish. Zt. **Fartores,** *poulterers.* Becker's Gallus, Exc. 1, Scene 9.

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9. **Saltatores,** *ballet-dancers*, especially the *pantomimi*. See 56
Dict. Antiqq. **Totum—talarium,** here = all games of hazard played for money. Gr. By far the most common games were those played with the *tali* and *tessarae*. See Dict. Antiqq., s. *Alea*.

10. **In,** found in only one MS., but Cicero connects *inesse* only with *in* and the ablative. He. See also M. 245, b, Obs. 1.

11. **Medicina,** in apposition with **artibus**. The practice of medicine was in a great measure confined to slaves and freedmen. Yet there were many exceptions to this, e. g. Asclapo, whom Cicero called his friend, Asclepiades, and others. Dict. Antiqq.

12. **Doctrina—honestarum,** i. e. instruction in oratory, mathematics, philosophy, etc. Gr.

13. **Ordini.** See Lex. *s. v.* II. C. Cicero speaks only of the acquisition of money by these arts, which was not suited to the dignity of senators and knights; the knowledge of these arts themselves was not at all disreputable. He. Cf. Chap. VI.

14. **Tenuis,** *on a small scale*, i. e. a retail business.

16. **Est admodum vituperanda.** This expression is carefully chosen, since even wholesale trade was not considered becoming for senators, and was even forbidden at times by law. He.

17. **Satiata** can only be used with reference to a passion; therefore Cicero improves the expression by substituting **contenta**. Gr. **Ut saepe—portum,** sc. *contulit*. The correlative particle *sic* is omitted in the next clause. Cf. p. 7, line 8, and note.

19. **Contulit,** sc. *is qui mercaturam facit*, which is to be supplied as subject from **mercatura** above. He.

23. **In Catone Majore,** sc. Chap. XV. *et seqq.* **Illim.** This form, instead of *illinc*, occurs here and elsewhere in some of the best MSS. He.

24. **Assumes.** On the mood and tense, see p. 7, line 14, note.

Chap. XLIII. Honestorum comparatio.

25. **Iis partibus,** i. e. the four cardinal virtues. Cf. p. 13, line 11, note.

26. **Ducerentur.** On the tense, see p. 15, line 22, note.

28. **Contentio et comparatio.** See p. 26, line 5, note.

29. **Utrum honestius,** sc. *sit*. The subjunctive of *sum* is very

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56 rarely omitted, especially in prose. M. 479, a, Obs. **A Panaetio—praetermissus.** Cf. p. 10, line 30 *et seqq.*

31. **Cognitionis**, sc. of truth, i. e. *prudentia*. Cf. p. 13, line 12.

32. **Communitatis,** *public spirit*, used in a subjective sense to denote the spirit or feeling of *communitas vitae*, opposed to gross selfishness which recognizes neither justice nor equity. D. Beier interprets it, *the virtue, qua societas hominum conjunctioque servatur.* Cf. p. 14, line 4 *et seqq.*, in which passage the word occurs in its objective sense. **Magnanimitatis** = *fortitudinis*. See Chap. V., and p. 27, line 1 *et seqq.* **Moderationis.** See p. 37, line 24 *et seqq.*, and note.

33. **Haec**, feminine plural, an old form often found in Cicero. He.

34. **Aptiora esse naturae, etc.** In this part of his discussion Cicero makes use of the arguments with which the Stoics combated the Peripatetics, who gave to intellectual pursuits the pre-eminence over those of practical life. (Aristot. *Eth. Nic.* X. 8.) He.

37. **Quod, si contigerit, etc.**, the *first* reason. Man cannot live without society. With the sentiment, cf. *De Amicit.* Ch. XXIII.

57 1. Before **omnia**, the MSS. have *quamvis*, but it is believed to be the addition of a transcriber, and is omitted by Br., O., and He., because it interferes with the regularity of the sentence, by leaving the preceding clause, **ut—copiis**, without any verb.

4. **Princepsque, etc.**, the *second* reason for giving the precedence to social duties. In many cases no distinction is made between the use of **que** and *et*. M. 433.

5. **Σοφίαν** is the wisdom which, according to the teachings of all the Socratic philosophers, is the common root from which every virtue springs. He. See p. 12, line 19, **sapientiae**, note.

6. **φρόνησιν** is an understanding of what is good and bad, and what is neither the one nor the other. Zeller. It has been variously rendered by *insight, intelligence, practical wisdom.* By **prudentiam** is meant the first of the four cardinal virtues. Cf. Ch. VI. Cicero, however, *sometimes* uses *sapientia* in the same sense, as a synonym of *prudentia*. Cf. p. 12, line 30, and note.

8. **Sapientia.** Cf. the definition given on p. 61, line 28 *et seqq.*

10. **In qua continetur,** i. e. which also *includes* an insight

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into the nature of gods and men, and of their relations to each other. Cs. 57

11. Communitas, etc. In Ch. VII., Cicero derives justice from the fellowship of men with one another, but he here refers it to another source; and the Stoics frequently traced it to the fellowship of gods and men. He. **Inter ipsos,** i. e. of men with one another. Br., O., and Gr. have a colon before **ea,** and end the parenthesis with **scientia** (line 8). But He. and Hn. extend the parenthesis to this point, and consider that with **ea** is resumed the thought with which the sentence began, with a slight change of form. **Ea,** sc. *sapientia.*

12. Maxima, i. e. *principesque omnium virtutum,* (line 4.) The highest virtue is wisdom, which is the knowledge of divine and human things, and therefore has for its object the intercourse of gods and men. Hence the duty connected with this object must be the highest duty. He. Garve remarks: "It seems, at the first glance, absurd that because a certain kind of wisdom is the first of all virtues, *therefore* the effort to obtain wisdom is *not* the first of all duties. But Cicero hits upon a mean by which he unites the two propositions apparently so contradictory. This wisdom is the knowledge of the relations in which man stands; and these relations, so far as he can survey them, are no other than those in which he stands to God and his fellow-men." T.

13. Etenim, *Moreover.* It does not introduce the reason for what immediately precedes, but indicates a transition to the statement of the *third* reason for giving the precedence to social duties, viz.: that knowledge without action is imperfect. He. This he treats of more fully further on. See p. 58, line 15 *et seqq.* and p. 59, line 12.

14. Rerum stands after **actio** in the MSS. Without the addition of **rerum,** the phrase **contemplatio naturae** would denote *natural science.* Cicero, however, has not this in mind, but the contemplation of the nature of things in general. **Rerum** cannot, therefore, be omitted. Cf. line 21. On the other hand, **rerum** with **actio** would be superfluous. He.

16. Commodis, *the interests.*

17. Igitur, *then,* (a weak *ergo,*) is used in passing from one stage of the argument to another; **ergo,** *therefore,* is used of things proved logically.

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57 18. **Haec**, sc. *societas generis humani.*

20. **Cupidus**, followed by in with the ablative (instead of a genitive), is a rare construction. But here it = *intentus, occupatus.* Gr.

23. **Periculum** denotes danger as occupying duration of time; **discrimen**, as the critical moment and the culminating point of *periculum.* D. **Subvenire** (properly a military term) means *to come to the support* or *succor* of those who are in difficulty or danger; **opitulari**, lit., to aid with one's *means, credit,* or *resources* a person in great need or peril, from which he has no power to deliver himself. Arn.

27. **Hoc idem fecerit**, *he will also do this.* On the tense of **fecerit**, see M. 340, Obs. 4; C. 195, 3; H. 473, 1; A. 281, Rem.; G. 236.

30. **Hominum utilitatem**, the reading of most MSS., and adopted by Br. and He., = *communem utilitatem.* Cf. line 34, and p. 58, line 9. To perform what is useful to one's fellow-men is the chief duty of justice. He. Cf. p. 14, line 28 *et seqq.* O. and Zt. prefer *caritatem*, the reading of two MSS.

31. **Antiquius**, *prior in importance, preferable.* See Lex. *s. v.* II. B.

Chap. XLIV. 32. **Atque**, in the beginning of a proposition which further explains what precedes, may sometimes be rendered by *Now.* Z. 333. Bl. translates it here, *And also.*

33. **Versata est.** On the use of the singular number, see C. 110, 2, *b*, 1; H. 463, I.; A. 205, *d*; G. 281, Exc. 1.

35. **Et.** To this corresponds **Neque solum—sed etiam**, instead of a second *et.* He.

36. **Rebus suis publicis**, *their several States.*

37. **Lysis**, an eminent philosopher of the 4th cent. B. C., who was driven from Tarentum, his native place, in the persecution of the Pythagoreans, took refuge in Thebes, and became the teacher of Epaminondas. **Syracosium**, the Greek form of the adjective for *Syracusanum*, yet not seldom used in Latin. He. M. 190, 5. **Dionem**, the uncle of the younger Dionysius whose kingdom he overthrew later. He first embraced the Pythagorean philosophy, but when Plato went to Syracuse, B. C. 389, he became his follower.

58 2. **Vivi atque praesentes**, *personally.* He. Cf. p. 11, line 10, note.

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4. Monumentis litterarum, i. e. the legacy of their writings, 58
as enduring memorials, in distinction from oral discourse, which is transient. Gr.

7. Otium, negotium. See p. 92, line 3, note.

8. Illi ipsi, *even they.*

10. Intelligentiam, *theoretical knowledge*, contrasted here with **prudentiam. Potissimum** = *maxime.*

11. Modo, i. e. *dummodo fiat.*

12. Eloquentia, here in its literal signification, *the expression* of thought. Gr.

13. In se ipsa vertitur, *occupies itself with itself only*, does not benefit others. **Vertitur** has here the sense of *versari.* He.

15. Atque ut apium, etc., a *fourth* reason for giving the precedence to social duties, viz.: the natural tendency in men to form society. See p. 57, line 13, note. The argument here drawn from a comparison with the social instincts of animals is chiefly directed against the Epicureans, who maintained that mankind formed society only for the sake of mutual protection and advantage. Gr.

18. Natura congregati has here the same meaning as **congregabilia natura**, like *invictus contemptus, etc.* He. M. 424, b.

19. Constat ex, *has its foundation in.*

21. Attingat. See p. 13, line 13, note.

22. Itemque magnitudo animi, etc. This remark respecting the relative importance of the second and third cardinal virtues—*communitas* and *magnanimitas*—seems to be inserted incidentally merely as an illustration of what precedes. Zt. paraphrases as follows: "Knowledge is not real knowledge unless it share its light with others, nor does fortitude deserve its name unless it is employed in defending human society from dangers." Some critics, however, consider this sentence spurious, because the conclusion which follows (**Ita fit, etc.**) has no reference to it, and it interrupts the progress of the argument. **Remota—humana,** = a conditional clause. M. 347, c.

24. Quaedam. See C. 119, 6; H. 456, 2; G. 300; and cf. p. 11, line 14, note. **Vincat,** *takes the precedence of.*

26. A quibusdam. In the opinion of Beier, the reference here is to Plato, *De Repub.* II., p. 39, C., where the origin of civil government is traced to the inability of each man to pro-

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58 vide for his own wants. He. thinks the Epicureans are meant. See line 15, note *in fin.*

28. Idcirco refers grammatically to **quod,** logically to **propter—vitae,** of which the clause introduced by **quod** is only an explanation. Bl.

29. Initam esse, the usual construction after **verum est.** See p. 28, line 37, note, and M. 374, Obs. 2.

31. Virgula divina, *a magic wand,* i. e. by the power of the gods, without any effort of our own. Cs. An allusion to the *caduceus* of Mercury or similar staves by which divinities like Circe effected transformations. He.

32. Optimo ingenio, ablat. of quality = *ingeniosissimus.* Gr.

33. Cognitione et scientia stand in the same relation to each other as *conjunctio* and *societas ;* the first is the cause, the second the effect. Bl. Cf. p. 59, line 15, and p. 13, line 14, note.

35. Tum—tum signifies *at one time, at another time.* M. 435, Obs. 3.

36. Omne = *quodque.*

59 **Chap. XLV. 1. Illud.** See p. 45, line 34, note. **Forsitan.** Z. 728.

3. Non placet, sc. *anteponi eam.*

4. Foeda, i. e. offensive to the natural feelings; **flagitiosum,** that which violates morality. **Taetra,** *hideous, shocking,* and **obscena** (line 7), refer to these words in inverse order and enhance the signification of each respectively. **Turpia** (line **8**) denotes what is indecent on its aesthetic side. D. See p. 48, line 15, note.

6. Ea permulta, *very many of these.* On the case of ea, C. 133, 4, note 4; H. 397, 2, note; A. 216, *e*; G. 368; Rem. 2. **Posidonius,** a native of Apameia in Syria, b. about 135 B. C. He became a pupil of Panaetius at Athens, afterward travelled to Italy, Spain, Massilia, Sicily, returned to Rhodes, and became president of the Stoic school. He also took a prominent part in the political affairs of the Republic, and was sent as ambassador to Rome in 86 B. C. In B. C. 51 he removed to Rome and died soon after. He was a man of extensive and varied acquirements in almost all departments of human knowledge, and was far less dogmatic and obstinate than most of the Stoics. As the basis of his ethical and mental philosophy, he took the Stoic system, though with considerable modifications. In the classi-

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fication of the faculties of the soul, he returned to the system of 59
Plato. See Ritter, Hist. of Phil., III., p. 624, and Introd. p. 142.

8. Suscipiet, sc. *sapiens.*

9. Ne respublica quidem. On the sentiment, cf. p. 34, line 12 *et seqq.*

10. Hoc, i. e. *eo tanto.* **Commodius—habet**, i. e. the answer to the above inquiry is far less difficult. Cs.

11. Tempus. On the meaning, see Lex. *s. v.* I. B, 2. **Ut**, i. e. *tale ut.* See p. 17, line 20, note.

13. Effectum sit = *conclusum sit.* See Lex. II. C. **Deligendis.** Cf. p. 23, line 18, note.

14. Teneatur here = *contineatur.* See p. 57, line 10, note.

15. Etenim—prudenter. He. considers the discussion closed with **societate**, and regards this passage as an interpolation made up from Ch. XLIII. (p. 57, line 14 *et seqq.*). Gr. renders **Etenim**, *Further* in the succession of arguments. **Sequitur**, i. e. *proceeds out of* them, and therefore presupposes them. Consequently **actio** is of more importance, for it includes more. Gr.

18. Locus ipse, *the essential point.*

19. Cuique, here and in the next sentence = *every individual duty.* Gr.

21. Gradus officiorum, i. e. of duties to society some are more important than others. These *gradations of duties* have been treated of more fully in Ch. XVII. Hence no further mention of them is necessary here. He.

23. Deinceps has *cetera*, or some equivalent word, implied in it. Gr.

26. Honestumne sit, sc. *id de quo deliberent.* Gr.

28. Ut supra dixi, sc. on p. 10, line 30 *et seqq.*; p. 56, line 29.

BOOK SECOND.

Chap. 1. See Synopsis. **1. Ducerentur.** The perfect infinitive 60
is generally treated as an historical tense. See p. 35, line 22, note, and G. 518, Exc.; M. 383. Cf. p. 16, line 32; p. 56, line 26.

4. Quae pertinent—copias. A description of *Utility*, which is to be treated of in this Book, in contrast to *Morality*. Gr. **Vitae cultum**, *the promotion of our external welfare.* Cs.

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60 6. **Facultatem, etc.** See p. 10, line 22, note. Hn. renders *means of acquiring.* **In quo, etc.** **Quo** must refer to the whole clause **ut—persequar,** while **de quibus** (line 8) must also refer to **officiorum genera.** The second clause, **tum ex—utile,** is also wanting in the best MSS. It is therefore probable that the whole sentence crept into the text from the margin. He. **Tum** should properly stand after **dixi** and be connected with **quid utile.**

7. **Dixi,** sc. in Ch. III. of Bk. I., (p. 10, line 20–25; line 35.)

9. **Instituto,** *design, undertaking.* He. **Judicio,** *the opinions* which I adopt. It refers to his vindication of the point of view of the New Academy, on p. 62, line 9 *et seqq.* He. Nägelsbach renders it *choice of subject-matter.*

11. **Complures,** sc. men such as Hortensius, Brutus, and Varro.

12. **Ad legendi—studium.** Cf. p. 7, lines 11–13; *De Nat. Deor.* I. 4.

13. **Bonis viris.** The expression is here used with irony of those who meant well, but were uneducated. He. Cf. *Tusc. Disp.* I. 3. Bl. thinks the reference is without irony to those among the best of the citizens who still shared the prejudice against Greek philosophy, which in the day of Cato had led to the expulsion of the three Greek ambassadors (who taught in the city the views of their respective schools), on the ground that it would divert citizens from their political duties.

14. **Philosophiae nomen.** This periphrasis is often used by Cicero to express the idea of generality, *philosophy in general.* He. Cf. p. 124, line 31. **Mirentur,** sc. *illi.*

18. **Unius,** sc. Julius Caesar.

20. **Socios—rei publicae,** i. e. such men as Q. Catulus, C. Piso, the two Luculli, P. Servilius, Hortensius, Cato, and the other leading men of the Senatorial party.

22. **Rursum,** *on the other hand.* See Lex. *s. v.*

61 1. **Homine docto,** *a philosopher.* Cf. p. 93, line 8; *De Nat. Deor.* I. 17: *Non philosophos solum sed etiam indoctos.*

2. **Quo coeperat statu,** i. e. immediately after the murder of Caesar, when liberty was apparently restored. **Homines cupidos.** The earlier leaders of the popular party, e. g. the Gracchi, had for their object only a modification of the constitution; Antony and his followers, who are here referred to, aimed at its overthrow. Gr.

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6. Poneremus, an apodosis, of which the condition is to be supplied from the preceding sentence. 61

7. Non ea quae nunc, i. e. philosophical disquisitions. **Actiones**, *public speeches* delivered in the senate and before the people. Cf. line 10, where **litterae forenses et senatoriae**, has the same meaning.

9. Nulla = *non*. See p. 19, line 3, note.

10. Scilicet, i. e. as they must, *as a matter of course;* said with resignation. He.

11. Nihil agere, literally, *be idle;* unlike *otiosum*. Gr. See p. 30, line 4, note.

12. His studiis, sc. *philosophicis*.

16. Honoribus. See p. 15, line 26, note. **Coepi**. On the tense after **posteaquam**, see C. 193, 1; H. 471, 4; A. 324; G. 563.

19. Temporibus. So Br., O., and He. *Superesse*, in the sense in which it is here used, is very frequently followed by the dative. He. Cf. *In Verr. Act.* I. 4; Livy XXI. 4; IV. 12; p. 56, line 10, note. The best MSS. have *temporis*, which must depend on **quantum**. The phrase **amicorum—temporibus** means the time occupied in pleading the causes of his clients and in discharging his political duties. **Id**, sc. *temporis*.

Chap. II. 22. Videmur, *we fancy, think*. **Mandaremus**. See p. 60, line 1, note.

23. Nostris, i. e. the Romans. **Et**, following **nec** = *and yet*.

28. Praeter is sometimes = *except*, and used with the same case which precedes. M. 172, III. Obs. 2; Z. 735. **Sapientia**. See p. 57, line 5 *et seqq.* and note.

31. Continentur. Cf. p. 57, line 10, note; *Tusc. Disp.* IV. 26.

33. Oblectatio, an occupation, conversation, or amusement, which confers a relative pleasure; *delectatio*, a real delight which confers absolute pleasure. It implies improvement as well as mere gratification. D.

34. Quae conferri refers rather to **oblectatio** than to **requies**.

37. Ratio ducitur = *ratio habetur, regard is paid to*. Cf. p. 46, line 8. **Constantiae**. See p. 12, line 8, and p. 46, line 5, notes, and cf. p. 62, line 11. **Ars** here = *ratio, science, system*. On the next page **disciplina** (line 3) is used in the same sense. He.

38. Eas, sc. *constantiam et virtutem*.

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62 3. **Autem,** *moreover.* **Aliqua** here stands after one of those conjunctions which usually require the simple indefinite pronoun *quid*, because of its emphasis, which may be expressed by *really* or *practically.* M. 493, a, Obs. 1; Z. 708.

4. **Hoc—genere,** i. e. philosophy.

6. **Alio—libro,** sc. the Hortensius, which was published in 45 B. C., but, with the exception of a few fragments, is not extant. Its object was to recommend the study of philosophy to the Romans.

7. **Tantum,** *only so much.*

9. **Occurritur,** *it is objected.* **Autem** indicates a transition to a second objection.

10. **Doctis et eruditis,** contrasted with **bonis viris,** p. 60, line 13. Distinguished from each other, the former denotes those who are versed in some one department of knowledge, here *philosophers;* the latter is broader in its meaning, and denotes those who are conversant with every species of knowledge. D. and Zt.

11. **Percipi** is a standing expression for *to be known with certainty.* The clause in which it is expresses the doctrine of the New Academy. See Introd., p. 140.

12. **Disserere** = *to present* our own *opinion;* the middle course between *judicare, to pass judgment* dogmatically, as the Stoics did, who held some things to be certain and others uncertain, and the method of the Sceptics, who held that all things were equally probable, and therefore doubted about everything or weighed the arguments both for and against a thing (*disceptare*). He.

14. **Vellem.** Observe the force of the tense. M. 350, *b*, Obs. 1. **Esset.** For the mood, see C. 209, 5; H. 499, 2; A. 331, *f*, Rem.; G. 546, Rem. 3.

16. **Errore,** not *error*, but *uncertainty.* It is the opposite of **habeat quid sequatur,** *knows what* principles *to adopt.* Such a dependent question must be carefully distinguished from a relative clause, e. g. *non habere quod sequatur, not to have any fixed principles.* Gr. See M. 356, Obs. 1; Z. 562.

18. **Disputandi—ratione,** *mode of,* etc., *founded upon reason.* Gr.

20. **Contra** = *contraria*, i. e. *non probabilia.* This mode of

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expression Cicero often uses where he wishes to avoid express 62
ing the opposite, or has no word for it. He.

22. **Sequi**. The infinitive often follows *impedio*, which otherwise takes the subjunctive. M. 375, a, Obs. 2; C. 242; H. 505, II., 2; A. 271, *a*; G. 532 and 547.

24. **Temeritatem**, here the opposite of **ratio**.

25. **Omnia**, i. e. all the doctrines of other sects. **Nostris**, i. e. the disciples of the New Academy.

26. **Posset**. So Br., O., and He. Most of the MSS. read *possit*. But only *potest*, or the regular form *posset*, could be used here. The subjunctive present would not be allowable. He. **Ex utraque parte**, *on each side*.

27. **Causarum contentio**. See p. 26, line 5; p. 56, line 28, and notes.

28. **Academicis nostris**, sc. Bk. II., Chh. XX. *et seqq*. The object of this work was to give an account of the rise and progress of the Academic philosophy, and to show the superiority of the principles of the *New* Academy over those of the *Old* Academy. It was published in B. C. 45, first in two Books, the second of which is extant, then, having been recast, in four Books; but only twelve chapters of the first Book of this edition have been preserved.

30. **Antiquissima—philosophia**, sc. the Peripatetic school. **Cratippo**. See p. 7, line 2, note.

31. **Iis**. See p. 13, line 6, note. **Qui ista—pepererunt**, i. e. the founders of that school, Aristotle and Theophrastus. **Ista**, sc. *vestra*.

32. **Haec nostra**, *our tenets*, i. e. the Academic. **Finitima vestris**. Cf. p. 7, line 17 *et seqq.;* and see Introd., p. 140.

Chap. III. See Synopsis. This chapter, and the following to p. 66, line 28, He. calls a sort of second introduction, in which the contents of the Book in general are given, and the question is discussed what is most beneficial and what most injurious to man.

34. **Quinque—persequendi**, sc. on p. 10, line 35 *et seqq*. **Igitur** indicates a transition. **Rationibus**. See p. 14, line 4, note.

35. **Persequendi**, i. e. for a complete discussion of. Gr.

36. **Pertinerent**, i. e. *quae pertinere diximus*.

37. **Eligendi judicium**, a periphrasis for *electio*. He.

39. **Confecta**, *completed*.

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63 2. **In quo verbo.** *In relation to this word;* not *in the meaning of the word itself,* but as far as the usage of speech has given occasion for the error. He.

7. **Summa auctoritate,** ablat. of characteristic.

8. **Philosophi,** sc. all the Socratics, including the Stoics; for they also distinguished between things good in themselves (virtue) and things worthy of desire on account of their utility. But because this distinction was merely theoretical, and did not entice to immoral actions, it was not inconsistent with a strict morality. He. **Sane** here has a concessive sense. **Haec tria genera.** So most MSS., Br., and He. By this must be meant (1) the *honestum* in itself, which is also useful; (2) *honestum quod non esset utile;* (3) *utile quod non esset honestum.* O. & Gr. prefer *genere,* and make **haec tria** =*justum, utile, honestum.*

9. **Confusa** = *conjuncta, cohaerentia.* See Lex. *s. v.* I. B, 1, and cf. p. 38, line 15; *Tusc. Disp.* I., 11. **Quicquid, etc.** This passage is, without much doubt, an interpolation; for Cicero never distinguishes *honestum* and *justum* as two *genera,* (cf. p. 102, line 11,) and here, especially, had no occasion for introducing *justum.* Perhaps the original reading was: *Haec genera re confusa.* Gr. He. also considers it spurious because it contains a false syllogism.

11. **Idem,** *also.* See p. 13, line 24, note.

12. **Quod qui—perspiciunt** refers to **cogitatione distinguunt,** sc. that they are distinguished from each other *only* in theory.

13. **Versutos,** (more in a moral sense,) *adroit, versatile* (usually) in dissimulation; **callidos,** (more in an intellectual sense,) *cunning, crafty,* as the result of experience of the world. D. See p. 42, line 22, note.

15. **Eam,** *such.*

22. **Impetus,** *instincts.*

24. **Apes** was probably first written in the margin as an example of **reliquae pecudes,** and so crept into the text. He.

25. **Opere,** *work,* the reading of most MSS., Bl., and Gr., denotes more the mechanical activity of animals, yet is also used of men, as in the phrase *magno opere. Opera* denotes *activity,* especially the intelligent activity of man. Cf. line 34, **Operis,** *services;* line 39; p. 64, line 16. He. He., however, with O. and Br., reads *opera* here.

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27. **Placatos,** *propitious.* **Pietas,** *sincerity* in the worship of 63
the gods; **sanctitas,** *purity of life.* Gr.

28. **Proxime,** the *next* in order without reference to distance, nearer than anything else; **secundum,** close proximity, *immediately after, second.*

32. **Exceptis** = *omissis.* Gr.

33. **Enim** introduces the proof of the preceding paragraph, and, first of all, of the first part (contained in line 29). The proof of the second assertion (contained in line 32) begins on p. 65, line 11. He.

35. **Manus,** *handiwork.* **Nec iis.** In double clauses, Cicero not unfrequently abandons the relative construction in the second member, and uses the demonstrative. Z. 806; M. 323, b; H. 453, 2.

38. **Frugum,** *fruits of the earth;* **fructuum,** here the general term, usually *fruits of trees.* He.

39. **Sine hominum opera,** a substitute for a conditional clause, *if human labor had not been applied.* M. 347, c.

1. **Earum rerum, quibus abundaremus exportatio, etc.,** *even* 64
if we had a superabundance of anything it could not be exported. See M. 369.

5. **Ferrum, etc.** A quotation from a tragic poet, a little changed in arrangement and expression; probably from the Prometheus of Accius, who in it imitated line 580 of the Prometheus of Æschylus. The metre is iambic trimeter. He.

6. **Abditum,** *concealed* by being removed from sight; *conditum,* by being in a place of safety. D.

Chap. IV. 10. Subveniri, sc. *iis (tectis) labantibus potuisset.* So, He. and Gr. Intransitive verbs which in the active voice take a dative, are used impersonally in the passive voice, and retain the dative. C. 153, 3; H. 384, 5; A. 230; G. 345, 3. Br. and O. retain the MS. reading *subvenire.* But this would make it necessary to supply *homines potuissent,* which does not suit the connection, for Cicero wishes to prove first that we owe dwellings to man. He.

12. **Communis vita** = *vitae communitas.*

13. **Ductus aquarum,** *aqueducts.*

14. **Derivationes fluminum,** *canals.*

15. **Manu factos,** i. e. *artificial.*

22. **Principes inveniendi,** *the earliest discoverers.*

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64 26. **Tempestivos**, i. e. at the fitting time.

30. **Qui—subveniretur.** So Br., O., and He. The clause = *quae esset ars medendi.* Most MSS. have *subveniret.* Neither *quis* nor *quid subveniret* suits the connection, for the inquiry is not for *the person* nor *the means*, but for *the possibility* of healing. He.

33. **Destitit** = *removit se.* **Cultu** does not properly apply to animals, and can only refer here to the dens of beasts, the nests of birds, and their mode of life generally. See p. 11, line 24, note; p. 52, line 36.

35. **Frequentari**, *be peopled.* **Ex quo**, i. e. in consequence of the founding of cities. He.

36. **Juris—discriptio**, *an equal distribution of* private *rights;* in contrast to *leges.* He. Cf. p. 14, line 18, and p. 47, line 30, notes.

37. **Vivendi disciplina**, *method for regulating life.* **Mansuetudo**, *refinement.* **Verecundia.** See p. 37, line 25, note.

39. **Munitior** expresses more than *tutus*, *provided with all things necessary.* Gr.

65 1. **Mutandis** (*exchanging*)—**commodis**, the reading of the best MSS., and adopted by O. and He. *Mutuandis* would be required if *commodandis*, the reading of other editors, be adopted. He. **Facultatibus.** See p. 10, line 22, note.

Chap. V. 6. **Belli.** So Br., O., and Gr., following two MSS. The other MSS. read *bello*, which He. adopts.

7. **Studiis**, *the zealous co-operation and help* of their fellow-men.

8. **Commemoratur.** For the number, see M. 213, **a**, Obs. 1; Z. 373, Note 1. For another case in which the singular is used, see p. 33, line 23, note. Cf. also p. 72, line 18.

14. **Nascatur**, used in a figurative sense, as in *De Nat. Deor.* II. 23: *Illud quod erat a deo natum, etc.* **Est**, i. e. *Exstat.* **Dicaearchi**, a celebrated peripatetic philosopher of Messana in Sicily, d. B. C. 285, a disciple of Aristotle. Fragments of his works still extant show that their loss is one of the most severe in Greek literature. Dict. Biog.

15. **Copiosi** refers here to his oratory, *eloquent.* He.

16. **Causis, eluvionis**, i. e. causes such as inundations. On the case of **eluvionis**, see p. 23, line 14, note, and p. 45, line 35. **Vastitatis**, i. e. the loss of whole armies, such as that of Alexander in Asia, and Cambyses in Africa. He.

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17. **Beluarum**, particularly swarms of locusts, scorpions, etc. He. 65

19. **Deinde** serves to connect the participle (**collectis**) more closely with the finite verb. He.

22. **Locus**, *point*, *proposition*.

25. **Usus**, *interests*. Gr. **Itaque** refers only to the second part of the sentence, **hominum autem, etc.**, and the first part would properly have been subordinate to it. He.

27. **Artibus operosis**, the *mechanic* or *industrial* arts, in opposition to *liberales*. He. **Tribuuntur** may be rendered *are bestowed*, in which case **artibus** is in the ablative, or *are ascribed to* as their cause, in which case the noun is in the dative. Gr. Zt. prefers the latter.

29. **Virorum praestantium, etc.**, i. e. not the wisdom and ability of others, but our own. The same general subject is first denoted by the first person (**nostrarum**), and then by **virorum**; i. e. we procure for ourselves the co-operation of other men only when we distinguish ourselves in wisdom and ability. He.; Gr.

30. **Etenim, etc.** In order to show that it is the office of virtue to win over to our interests the good-will of our fellow-men, Cicero gives a new analysis of virtue. This accords in general with the division of Panaetius (given in Ch. V. of Bk. I.) into theoretical and practical virtue; only the practical virtue is here divided again into two parts, in so far as it shows itself in the subject in part with reference to himself, and in part in his conduct towards his fellow-men. The former embraces *magnitudo animi* as far as this consists in tranquillity of soul, and *temperantia*, the control of the impulses and desires; the latter, *justitia* or *communitas*. He.

31. **Vertitur**. See p. 58, line 13, note.

35. **Cohibere**, i. e. *altera res est in cohibendo*. He.

36. For the gender of **quos**, see M. 316, and Obs.

1. **Habemus**, the MS. reading, and adopted by Br. and O. 66
Habeamus is preferred by He. and Gr., who regard the relative clause as one of purpose, and make **quorum** = *ut eorum*. **Per eosdemque** = *et per quos item*. Gr. See p. 63, line 35, note.

Chap. VI. 8. **Pauca—sunt.** The objection must first be met, that fortune can injure or benefit us much. This Cicero concedes, but only so far, that it brings injury or benefit much

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66 more seldom alone than through the co-operation of men. Gr. **In fortuna** = *fortunae.*

12. Reflavit. For the tense, see p. 47, line 23, note. **Affligimur,** *we are wrecked.* In this, as in the other expressions here used with reference to fortune, lies a metaphor borrowed from navigation. He. **Haec ipsa,** i. e. *ipsa per se,* sc. without the co-operation of men. Gr.

13. Habet, i. e. *sends, occasions.*

14. Ruinas, sc. of buildings and mountains. Gr.

15. Ictus, sc. of spiders and scorpions; **impetus,** *attacks* of the larger animals.

16. Proxime = *nuper.*

17. Trium, sc. that of Pompey at Pharsalus in Thessaly, B. C. 48; of his eldest son at Munda in Spain, B. C. 45; and of Metellus Scipio at Thapsus in Africa, B. C. 46; all by Julius Caesar. **Saepe multorum,** i. e. *multorum, quorum alius alio tempore interiit, many others at different times.* He.

18. Viri, sc. Pompey the Great.

19. Saepe, to be joined with **expulsiones** by a kind of brevity of expression for *quales saepe fiunt.* He. M. 301, **c,** Obs. 2.

22. Opibus et studiis, in the same sense as *ope atque opera.* He. See p. 63, line 25, note. **Neutram in partem.** Cf. line 9.

23. Longior, *too long.*

27. Comparetur. Subjunctive of desire. **Ita** = *hoc facto.*

28. Quaecumque igitur, etc., an enumeration of the reasons why men make themselves useful to men. See Synopsis.

30. Quempiam. See p. 14, line 34, and p. 19, line 2, notes.

31. Suspiciunt, the opposite of *despiciunt, they look up to,* as superior to themselves.

32. Quemque, for *et si quem;* a change to the relative construction which is continued to **ducuntur.** Cf. p. 12, line 34.

33. Et bene. Supply *quem* from the preceding *cui.*

35. Populares homines, *demagogues* or *leaders of the popular party.* Gr. Cf. p. 35, line 8.

36. Largitiones, e. g. such as laws for the assignment of the *ager publicus,* for the distribution of grain, for the abolition of debt, for gladiatorial shows, public banquets, &c. Hn.

37. Illa quidem. See p. 26, line 35, note.

67 **3. Necessarium,** *unavoidable,* i. e. according to the Roman

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stom of obtaining votes for office by the distribution of money. Gr. 67

6. **Alterius** is one of two, but is *also* used when we use *another* to express general relations. Z. 141. **Ducuntur, etc.** The same reasons as above, mentioned a second time in a more general way. He.

7. **Beneficiorum magnitudine** cannot properly stand by the side of **benevolentia** as an independent member. Both phrases together correspond to **benevolentiae—diligunt**, on the preceding page, lines 29–31. He.

9. **Futurum**, sc. *esse*. An adjunct of **spe**. See M. 395, Obs. 1.

10. **Ut saepe—videmus.** Cicero means particularly Antony, who won over to his interests the veterans of Caesar by bribery; but also such as Clodius and Milo, who kept gladiatorial bands in the interests of their respective factions. He.

Chap. VII. 15. Quem metuunt, etc., a line from the *Thyestes* of Ennius according to Ribbeck, *Trag. Lat. Reliq.* The metre is trochaic tetrameter catalectic. The reply to it is quoted on p. 38, line 32.

17. **Nuper est cognitum**, sc. by the murder of Julius Caesar, which, however, was in reality the work of only a few men, influenced for the most part by personal motives. But Cicero looks at the matter from the point of view of his party. He.

19. **Paretque—mortuo.** Through the influence of Antony the Senate decreed that all the laws and regulations of Caesar should remain valid. **Quum maxime**, originally used as a conjunction, signifying *precisely then, when*. Afterwards it came to have an adverbial force, with the meaning *hoc maxime tempore*, i. e. in comparison with other times, *now more than then*, as here; or, *precisely now*. He.

22. **Talem interitum**, sc. as that brought about by the people struggling for freedom. He.

23. **Diuturnitatis**, *permanent possession*; **ad perpetuitatem**, *forever*.

26. **Teneri** = *contineri*.

27. **Qui vero.** Such conjunctions as *autem, vero, enim, igitur* can stand with *qui* only when its reference is to something that follows. Arn.; Z. 805. **Instruunt**, sc. with arms, resources, power.

28. **Nihil**, often used of persons, in the sense of *nemo*, par-

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67 ticularly with a comparative. Cf. *Tusc. Disp.* I. 2. **Quamvis,** *however much.*

30. Libertas, *spirit of liberty.* Cf. p. 22, line 16; p. 56, line 32, and notes. **Haec,** sc. *leges et libertas.* **Judiciis tacitis,** i. e. by actions which without words express an opinion.

31. Occultis—suffragiis, *secret ballots* for men who were enemies of tyrants. **Acriores morsus.** When men maintain their freedom, they exercise it with less bitterness towards those who have imperilled it, than when they have lost it (**intermissae**) for a long time and then regain it. Gr.

32. Retentae = *servatae.*

33. Latissime patet. Cf. p. 8, line 33, note.

68 **2. Quid** here serves merely to introduce the interrogation, the clause being equivalent to *Quo cruciatu censemus Dionysium angi solitum esse.* Z. 769. In the next sentence there is an ellipsis of the verb **censemus.**

3. Dionysium, the elder, tyrant of Syracuse from 406 to 367 B. C.

4. Metuens, *for fear of,* the participle put for an entire clause.

6. Alexandrum, tyrant of Pherae in Thessaly in the 4th cent. B. C., and successor of his elder brother Jason, (see p. 42, line 21,) whose daughter Thebe he married. At her instigation he was murdered by her three brothers. According to Plutarch, her motive was fear of her husband and hatred of his cruel and brutal character.

10. Compunctum—Thraeciis, *tattooed,* after the custom of the Thracians. He.

15. Fefellit, used impersonally. Cf. *Epist. ad Fam.* IV. 2; *ad Attic.* XIV. 3. He. Gr. supplies *res* or *suspicio* as the subject.

18. Phalaris, tyrant of Agrigentum in Sicily, a contemporary of Solon, of whom very little is definitely known.

19. Nobilitata, *famous, noted.* Cf. p. 12, line 13.

21. Hic noster, sc. Caesar.

23. Demetrium, surnamed Poliorcetes, who became king of Macedonia B. C. 294. He completely alienated his own subjects by his proud and haughty bearing and his lavish expenditure on his own luxuries, so that, when **Pyrrhus,** king of Epirus, invaded Macedonia in 287 B. C., his troops declared in favor of Pyrrhus, and Demetrius was obliged to flee in disguise.

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26. **Leuctricae calamitatis**, i. e. the battle of Leuctra in Boeotia, B. C. 371, between the Spartans and Thebans, by which the supremacy of Sparta was forever overthrown. 68

Chap. VIII. 29. Verum tamen, etc. The sentiment is: "*But yet* we ourselves also are an illustration of the truth that power is more firmly based upon love than upon fear, for *so long as* the Roman dominion was just and mild it was strong. After it became rigorous and unjust it fell." After **quamdiu—tenebatur** we should have expected such a clause as *tamdiu respublica stabat*. But the first sentence only states the consequences of the *mild* rule. The description of the opposite case begins with **line 38, Sensim hanc, etc.**, and is brought to a conclusion with **Atque in has, etc.** (p. 69, line 31.) He.

30. **Beneficiis tenebatur**, *was maintained* by the bestowment of, etc.

31. **Pro sociis**, e. g. the war against the Samnites for Capua.

32. **Populorum.** See p. 24, line 34, note.

36. **Aequitate, fide**, ablatives of manner used adverbially without an adjective. **Defendissent**, a potential subjunctive in a subordinate clause. Z. 569; C. 202, 1; H. 486, III.; and so Bl. By others it is explained as a subordinate clause in the *Oratio Obliqua*.

39. **Jam antea**, i. e. before Sulla. **Post vero—victoriam.** Cf. Sallust, *Cat.* XI.

3. **In illo**, *in the case of Sulla*. The cause of the aristocracy, 69
which Sulla represented, was, in Cicero's estimation, just and honorable (**honestam**), and Marius was responsible for the civil war; but Sulla made a cruel use of his victory in his proscription of the Marians.

5. **Hasta posita.** It was usual to put up a spear in auctions, a symbol derived, it is said, from the ancient practice of selling under a spear the booty acquired in war; so that *hasta* stands for *auctio bonorum* or *sectio*. Dict. Antiqq. Cf. line 22.

6. **Certe**, *at least*, i. e. even of those not *bonorum et locupletium*.

7. **Secutus est**, sc. Julius Caesar. **In causa impia**, i. e. in the opinion of Cicero, who considered the safety of the Republic dependent upon the supremacy of the Senatorial party, while Caesar was the professed champion of the popular party.

8. **Foediore**, sc. than Sulla, since he overthrew the Republic.

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69 **Non—sed,** does not stand precisely for *non modo—sed etiam*, but Cicero intimates that Caesar's confiscation of private property of his enemies is unimportant compared with his confiscation of the provinces, which he disposed of at his pleasure, besides distributing the Campanian lands among his soldiers. He.

10. Jure, i. e. *statu, conditione*. This is frequently its meaning in Gaius and the other jurists, and not seldom in Cicero. He.

11. Ad exemplum, etc., i. e. *as an evidence* that the Roman people had lost their sovereignty, and consequently the right to protect their allies. He.

12. Portari—Massiliam. Massilia, which had from the earliest times been a faithful ally of the Romans, in the civil war professed to be neutral and shut its gates against Caesar, when he was on his march from Italy to Spain, in 49 B. C.; but admitted L. Domitius, a general of Pompey, and gave him command of the city. Caesar soon after besieged and took it, and in his triumph had a model of the city borne in procession.

14. Ex—bellis, i. e. *after—wars*. The usual expression is *ex hostibus triumphare*. He.

17. Multorum, sc. all governors who had oppressed the provinces to gain for themselves riches, and thereby the means of attaining illegal power. Gr.

19. Ad paucos. The heirs of his property were his three nephews, Octavius, his adopted son, who received two-thirds of the estate, and Pinarius and Pedius, who together received one-third. **Cupiditatum,** *passions*, particularly *ambition*.

23. P. Cornelius **Sulla,** a nephew of the dictator Sulla, who gave him the estates of several who had been proscribed. He was elected consul B. C. 66, but was convicted of bribery. In the civil war he served as legate under Caesar.

26. Alter, another Cornelius Sulla, a freedman of the dictator. Nothing further is known of him.

27. Quaestor urbanus. The *quaestores urbani* were treasurers and paymasters at Rome.

29. Iique ipsi jam, *and even these already*.

30. Extrema scelera, i. e. *destruction;* the cause put for the effect.

35. Putare, sc. *sibi accidere posse*. Gr.

36. Metus. The governing word is omitted.

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38. Cum—caritatem, i. e. the love which is founded on honor 69 and confidence. He.

1. Accommodandum est, *must be adapted to*, i. e. *determined* 70 *by*. Its subject is the following clause, i. e. *the inquiry, whether, etc.*

2. Certum = *decretum, constitutum.*

3. Idque. See p. 7, line 2, note.

4. Habere. Regularly, the infinitive thus used would have a subject-accusative. Gr. M. 395, Obs. 1.

5. Nostra mirantium, *highly esteeming our worth.* **Haec una res** refers to what has just been said of the necessity of gaining the affection and esteem of men. Hn. It is the subject of **est comparanda**, *ought to be acquired*, i. e. *is indispensable to.* **Una** serves, as often with superlatives, to strengthen the meaning. Z. 691; M. 310, Obs. 2.

7. Utrisque, sc. *et summis et mediocribus viris.* **Propemodum** belongs to **aeque utrisque**, *almost in an equal degree, etc.*

Chap. IX. 12. Sed de amicitia, etc. The connection of thought is as follows: To obtain the good-will of our fellow-men, we must first of all secure for ourselves true friends; next, the good-will of our fellow-citizens: and this topic must be treated of, at least briefly, because the most important affairs depend upon it. But the good-will of our fellow-citizens depends chiefly upon the reputation we enjoy with them. Gr. **Libro.** On the construction, see p. 10, line 7, note. **Qui—Laelius** is unnecessary, because the work is sufficiently denoted by **de amicitia**, and must be regarded as spurious, because Cicero would have written *eo libro*, not *alio*, if he had wished to add a relative clause. He.

14. Duo—libri, the *De Gloria* published in July, 44 B. C., but not now extant.

20. A singulis, i. e. *from* or *with.* Z. 305.

21. Alius—aditus refers to the special precepts given on p. 75, line 8 *et seqq.*

24. Quae ante dixi, *above mentioned*, sc. line 17. Z. 714, 3. **Benevolentiae**, i. e. *for acquiring good-will*; objective genitive.

26. Voluntate benefica, an expression like *sapiens excusatio, amantissimus sermo, etc.*; although adjectives which can only denote the attribute of a living being are seldom used with terms denoting abstract ideas. But *beneficus* can only be used

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70 of one who really *performs* good deeds, not of one who merely *means to* or wishes to; so that it is not suited to **voluntate.** Besides, the whole clause **voluntate—movetur** contains essentially the same idea as the rest of the sentence, since the benevolent *disposition* of a man could be known to the multitude (prior to their receiving benefits from him) only *by reputation*. In the best MSS., too, *autem* is omitted before **amor**, indicating that **secundo autem loco** is to be taken with all that follows. This clause is therefore believed to be a marginal note, indicating the contents of the passage, which afterwards crept into the text, and it is bracketed by Br., O., and He.

27. Res, *the ability,* in contrast to *the will.* Gr.

29. Opinione liberalitatis, etc., *the belief* of others *in* one's *liberality, etc.*

30. Quae pertinent, etc. These virtues, *modestia, temperantia, justitia,* are therefore called *virtutes leniores.* See p. 22, line 33.

31. Facilitatem, a *social* virtue which facilitates mutual intercourse in life, in contrast with *civilitas*, a *political*, *comitas*, a *moral* virtue, and *humanitas*, a virtue *of universal extent.* See D.

32. Quia should properly stand at the beginning of the period. As the sentence stands, **illud ipsum** has no grammatical construction; logically, it is the subject of **placet** and the verbs following.

39. Duabus rebus. Instead of adding *justitia et prudentia inter se conjunctis,* Cicero changes the expression to **si existimabimur, etc.,** because the confidence of others in us depends precisely upon this. Gr.

71 **3. Intelligere** denotes *wisdom* in general; **futura prospicere** and **consilium—capere,** its two subdivisions respectively, *foresight* and *ready wit.* He.

4. Discrimen, *the decisive moment, crisis.* Gr. See p. 57, line 23, note.

5. Expedire rem, like *re explicata,* p. 34, line 5. See note. **Ex tempore,** here, *according to circumstances.*

6. Homines, etc. The opinion of the multitude is opposite to that of the wise, in whose estimation real wisdom consists in the discernment between good and evil. He.

7. Autem corresponds to **et** in line 2 (instead of *et* repeated).

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Et fidis, bracketed by Br., O., and He. Cicero is speaking of 71
the influence of wisdom and justice only, so that *et fidis* does not properly belong in this connection; the expression *fidis ita habetur fides* would be of itself strange, and the paraphrase by Ambrosius, *facit enim justitia ut nulla sit fraudis metus*, makes it still more probable that the phrase is spurious. He.

8. **Ita—ut**, *on condition that*, has a restrictive force. Z. 726.

12. **Justitia, etc.** This Cicero has already stated above, and now repeats it for the sake of the antithesis only. He.

14. **Fidem**, *confidence.*

15. **Quis.** For the use of this indefinite pronoun, see p. 54, line 9, note.

16. **Detracta—probitatis.** A participial for a conditional clause. **Opinione.** See p. 70, line 29, note.

18. **Virium** depends upon *tantum*, the implied antecedent of **quantum**, which Gr. makes = *quantumcumque.*

Chap. X. 21. **Sit admiratus.** See p. 31, line 30, note. **Inter—constet.** All the post-Socratic schools did, indeed, teach the unity of particular virtues, since they traced all virtues back to knowledge; but so close a connection as the Stoics maintained, no other sect believed in. He.

22. **A me ipso saepe**, sc. *De Fin.* V. 23, 66; *Tusc. Disp.* III. 7, 14; *Academ.* I. 10, 38; *Parad.* III.

23. **Habere**, sc. *eum.* M. 321.

24. **Sejungam**, sc. *virtutes.*

25. **Veritas ipsa**, *truth in itself, abstract truth* without reference to practical life. Gr.

26. **Limatur**, the proper term to be used of philosophical inquiry. **Subtilitas**, *nicety of expression, degree of accuracy.* Hn.

27. **Opinionem communem**, i. e. the ideas or way of thinking of the mass of men. The phrase is in the same contrast to **veritas ipsa** as *oratio, popular speaking,* to *disputatio, philosophical discussion.* Cf. p. 8, line 16.

29. **Viros bonos** =*justos.* Cf. p. 14, line 7, and note, and p. 72, line 25.

33. **Erat.** For the tense, see p. 53, line 31, note.

34. **Cum admiratione**, here equivalent to a clause of cause or means, since the feeling, which men have in the choice, is at the same time the reason of their choosing us. Gr.

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71 36. **Communiter**, *generally;* **separatim**, *individually.* Its meaning is explained by **in singulis**.

72 3. **Despiciunt**, properly, *place no value upon*, the opposite of *admirari, revereri;* **contemnunt**, *are fearless of;* (line **36**) **spernit**, *does not care for*, the opposite of *appetere*. D.

4. **Virtutis**, *ability;* **animi**, *spirit;* **nervorum**, *energy*. He.

7. **Maledicos**. So the MSS., Br., and O. Wyttenbach's conjectural reading is adopted by Beier and He., 'because *the slanderer* does not exhibit the strength and energy which procure respect even for the evil-doer. The paraphrase of the passage by Ambrosius (II. 16) also gives *maleficos*.'

10. **Nec sibi nec alteri**, sc. *valent*, a proverbial saying.

12. **Admiratione afficiunt** = *admirationem movent.* The MSS. have *afficiunter*, but *admiratio* expresses either an effect (the being admired) or an action (the admiring); so that the expression *admiratione affici* can hardly be used like the phrases *laude, honore affici*. He. **Afficiunt** is also adopted by Br. and O.

16. **Majoris partis**, sc. *hominum*. Cf. p. 45, line 30.

19. **Quae qui—despiciunt, etc.** Notice the irregular change, from a relative to a temporal clause, by which the omitted antecedent of **qui** is left without any grammatical construction. Cf. p. 12, lines 32–36.

20. **In utramque partem**, i. e. without longing and excessive joy, and, on the other hand, without fear and sorrow. He.

Chap. XI. 24. **Admirabilitatem facit** = *admirabiles nos facit*. He.

32. **Igni spectatum**, a proverbial expression with the Greeks also. Cf. Plato, *De Repub.* VI., p. 503: ὥσπερ χρυσὸν ἐν πυρὶ βασανιζόμενον. **Itaque** sums up the result of the discussion. He.

33. **Proposita—gloriam**, *were set forth with reference to glory*, i. e. as a means of obtaining it.

37. **Aviditate**. On the construction, see p. 16, line 27, note, and Z. 454.

38. **Institutio**, *regulation*, always retains the signification of the active voice. It forms a sort of hendiadys with **ratio**. Bl.

73 1. **Habeat**. From the abstract **ratio atque institutio** there is here a transition to a personal subject, sc. *is qui instituit*: and in the next clause the same indefinite subject is expressed by the second person **feras**. He.

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2. Speciem—feras, here, not merely *exhibit the outside show*, **73**
but *let the inward reality of virtue be clearly seen*. He.

3. Solitario homini, one who separates himself from intercourse with other men, *a recluse*. He. **Atque** introduces a new idea, as the following plurals **habebunt, etc.**, show. The *solitarius* may yet live in the city, and therefore within reach of human intercourse in political life, but the one in *agro vitam agens* cannot. Bl.

4. Opinio justitiae. See p. 70, line 29, note.

6. Injusti habebuntur. The asyndeton and tautology prove that these words are interpolated. They formed, originally, a marginal note to **eam—habebunt**. He.

8. Contrahendisque. Que, here = *and in short*, adds a *general* assertion to *particular* statements. Arn.

11. Sine ulla particula, *without any particle whatever*, i. e. *wholly without*. *Ullus* (like *quisquam*) denotes *any at all*, and is therefore used in negative clauses where the negation is universal and relates to the whole clause. M. 494, **a**, and Obs. 1.

13. Latrocinio, *a band of robbers;* the abstract for the concrete.

19. Bardulis, an Illyrian chieftain, the leader of a band of freebooters, (in which capacity he was famous for his equity in the distribution of plunder,) who ultimately raised himself to the supreme power in Illyria. Dict. Biog.

20. Theopompum, (b. B. C. 378, in Chios, the most distinguished of the pupils of Isocrates, noted for his eloquence, acquirements, and wealth, but more celebrated as the author of a continuation of the history of Thucydides and of the history of Philip the father of Alexander. Dict. Biog.

21. Viriathus, a Lusitanian guerilla chief of humble origin, who became the leader of his countrymen against the Romans B. C. 147, displayed great valor and generalship, and had extraordinary successes for several years. He also had been noted for the fairness and equity with which he had distributed the spoils taken from the enemy. Mom., Vol. III.

22. C. Laelius. See p. 36, line 21, note. He was praetor in 145 B. C. Cf. *De Amicit.* XXV., *in fin.* He was unable to accomplish anything against Viriathus, though he was not disgracefully defeated as other Roman generals were. He.

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73 **23. Usurpatur** = *vocari solet.* See Lex. *s. v.* II. C. **Praetor,** *in his praetorship.*

24. Facile, sc. *ad conficiendum.*

27. Constituta, i. e. *bene constituta.* He.

Chap. XII. 29. Ut ait Herodotus, sc. (I. 96) of Deioces, who became an arbitrator for his own village, and the fame of whose justice attracted to him suitors from all quarters, until at last the Medes chose him king, and he thus became the founder of their empire in B. C. 710.

31. Fruendae. See p. 15, line 14, note.

34. Prohiberet admits of a double construction; the most common is to put the hostile thing or person in the accusative. Z. 469.

35. Tenuiores, *the lower classes.* **Aequitate.** Cf. p. 64, line 36.

36. Pari jure retinebat, i. e. *kept in an equality of rights.*

37. Regum, sc. *constituendorum.*

74 **1. Minus contingeret,** *failed them.* **Minus,** sc. *quam vellent.* By ellipsis of this clause it sometimes acquires a negative meaning = *parum.*

5. Adjuncto ut, etc. Sometimes the ablative of a perfect participle stands alone impersonally, followed by a dependent clause (accus. with infin., interrogative clause, or **ut**). M. 429; Z. 647. It is here equivalent to a conditional clause (*si praeterea accidisset, ut, etc.*).

9. Ipsa per sese, *for its own sake alone,* without reference to its utility. Gr. **Aliter,** i. e. if it were cherished merely for the sake of advantage. He.

11. Pecuniae collocandae, *of investing money.*

12. Perpetuos sumptus, *current expenses.*

13. Suppeditet, a clause of purpose.

14. Liberales, i. e. *qui pertinent ad cultum vitae elegantiorem.* He. **Ratione,** *systematically, with method.* Cf. p. 9, line 33, note.

15. Quamquam. The reply to this objection, that particular precepts for the acquisition of fame are needless, follows at the beginning of Chap. XIII. He. **Socrates—dicebat,** sc. in the Memorabilia, II. 6, 39.

17. Qualis—vellet, the relative clause placed before the demonstrative pronoun because emphatic. Z. 813.

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18. Quod si. See p. 22, line 8, note. The rest of the chapter 74
is a digression suggested by the sentiment of Socrates.

21. Radices agit, *strikes root.* **Propagatur** has the force of the middle voice.

24. In utramque partem, i. e. as well in reference to true as to false glory. Gr.

25. Una. On the position, see p. 9, line 26, note, and Z. 789. **Tiberius Gracchus** was tribune of the people in B. C. 187, praetor in 181 B. C., and the next year prosecuted the war in Spain with great success, and administered the civil affairs of the province with wisdom and ability. In 177 B. C. he was consul, and reduced the Sardinians to submission. His censorship in 169 B. C. was characterized by great strictness.

27. Ejus filii, sc. Tiberius and Caius, the tribunes and reformers. See p. 32, line 7, note.

28. Bonis. By this expression Cicero means not only the *Optimates*, but all patriots. He. For the construction, C. 157, 1, note; H. 388, 3; A. 232, *a* and *b*; G. 352, Rem. **Numerum obtinent,** *are numbered among.* See Lex. *s. Obtineo*, I., B. 1. **Jure caesorum.** Cf. *Pro. Mil.* 3, 8: *Africanus quum interrogaretur, quid de Ti. Gracchi morte sentiret, respondit jure caesum videri.* He.

29. Volet. Future tense, because futurity is indicated in the principal clause by *the exhortation*, (**fungatur.**) M. 339, Obs. 1.

31. In libro superiore, sc. Bk. I., Chh. VII.–XIV. On the construction, see p. 10, line 7, note.

Chap. XIII. 32. Sed—tamen, correlative to **quamquam,** line 15. **Quales—videamur,** *be considered such as we are,* i. e. be recognized in our worth; an expression used on account of the antithesis **ut simus—velimus,** instead of *gloriam consequamur.* He.

36. Habet causam, i. e. has, as something to be maintained. **Celebritatis et nominis.** A case of hendiadys.

38. Casu is a single occurrence; **fortuna,** the whole situation of things. Gr. According to D., *the former* denotes chance as an inanimate natural agent which is not the consequence of human calculation or of known causes, *the latter* as a mythological being taking part in human affairs from favor or disaffection.

2. Nullum . . . nec . . . nec. On the force of the negatives, 75
see p. 28, line 34, note, and M. 460, Obs. 2, Z. 754, note.

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75 4. **Hominum ignorationi**, i. e. *unknown to mankind.*

6. **Rectis studiis**, *with unswerving zeal;* with **contendere**, an expression after the analogy of *recto cursu contendere.* He.

7. **Eo firmiori animo**, *the more confidently.*

8. **Aetati.** See p. 64, line 10, note. **Prima**, i. e. *preferable to all others;* for military glory was in higher esteem with the Romans than that obtained by eloquence. Cf. Ch. XIX. He.

10. **In qua**, sc. *gloria.*

11. **Exstiterunt**, *have distinguished themselves.*

13. **Altera pars**, sc. that of Caesar; **altera**, that of Pompey.

15. **Alae.** In the time of Cicero, when all the inhabitants of Italy had become citizens, *ala* and *alarii* denoted foreign troops serving with the Roman armies. Distinguished young men were then accustomed to serve first on the staff of the general commanding (*contubernales imperatoris*), and were afterwards assigned to the command of an *ala*, a squadron of auxiliary cavalry of from 300 to 400 men. This was the office to which Pompey appointed the young Cicero. *Ala altera* could only denote one-half of the corps of Italian allies. But the distinction between them and the *legiones Romanae* having now ceased, **alteri**, though found in the MSS., must be regarded as an interpolation of some copyist. He. This word is also bracketed by O. and Br. **Praefecisset.** See Introd., p. 138. The young Cicero was then at the age of seventeen.

18. **Pariter** here denotes time, and = *simul.* He. **Mihi** = *a me.*

19. **Genere toto**, sc. *adolescentium.*

21. **In reliquis rebus**, *with reference to other things.*

23. **Gratiores.** The reading of the MSS., and adopted by Br., O., and Bl.; i. e. they gain for us the gratitude of the people in a higher degree. He. Cf. p. 83, line 4.

24. **Prima.** To this corresponds **autem**, line 26. To the moral qualities certain external means are annexed. He. **Modestia** = *moderatione.* Cf. p. 37, line 26.

25. **Pietate**, lit. *dutifulness;* with **in parentes**, *filial affection.*

26. **In optimam partem**, *in the most favorable manner.* See Lex. *s. Pars*, I. 14.

31. **P. Rutilii** Rufi, a statesman and orator, consul in 105 B. C., and legatus, 95 B. C., under Q. Mucius Scaevola, proconsul of Asia. He repressed the extortions of the *publicani*, **was** in-

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peached, found guilty of malversation, and compelled to withdraw into exile at Smyrna, where he died. Ancient writers agree in asserting that Rutilius was a man of the most spotless integrity, and that his condemnation was the result of a conspiracy. Dict. Biog. He was also a disciple of Panaetius. See p. 95, line 2 *et seqq.* **Innocentiae**, i. e. *morum integritas.* He. 75

32. P. Mucii Scaevolae, consul B. C. 133, and distinguished for his knowledge of the *Jus Pontificium.* He was the father of the Q. Mucius Scaevola mentioned on p. 44, line 37. The clause introduced by **Nam** professes to give the reason why he does *not* mention Crassus as another example of what is stated above (lines 25–30). The full expression would be: *De Crasso nihil dico nam, etc.* He.

33. L. Crassus. See p. 42, line 8, note.

35. Ex illa accusatione. At the age of twenty-one he brought against C. Carbo (the supporter of the Gracchi, tribune B. C. 131, consul B. C. 120, but a man of no principle,) a charge the nature of which is not known, but which had reference to his seditious tribunate, and which led him to commit suicide.

36. Quae aetate, an adjunct of **exercentur. Qui exercentur,** sc. in declamation, as a preparation for public speaking. It is antithetic to **se—facere.**

37. Demosthene. The allusion is to the rigid course of training to which he subjected himself in order to overcome his natural defects as a speaker.

38. Etiam tum, *still, yet,* i. e. as a young man. Z. 285. **Poterat,** here = *ei licebat.* Gr.

39. Meditari. See p. 44, line 20, note. It is most frequently used of preparatory *practice in declaiming.* Quintilian (IV. 2) speaks of *declamatio* as *forensium actionum meditatio.*

Chap. XIV. 1. Duplex ratio. See p. 50, line 3 *et seqq.*, and notes. 76

3. Orationis. Bracketed by Br. and He. The emphatic kind of speech Cicero calls either *contentio* or *oratio,* while *contentio orationis* could only denote *the effort* in speaking or the rhetorical figure, *antithesis,* neither of which is suited to the verb **habeat.** He.

4. Ad gloriam. *With regard to* is expressed by **ad** in connection with adjectives when mention is made of something *external* to the subject, with regard to which judgment is passed on the

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76 subject. M. 253, Obs. See p. 72, line 33, note. **Ea,** sc. *contentio.*

5. **Difficile dictu est,** *is scarcely credible.* M. 412, Obs. 1.

7. **Exstant epistolae.** These epistles were no more genuine than those still preserved of Demosthenes or Phalaris.

8. **Antipatri,** an officer of Philip and of Alexander, and, after the death of the latter, regent of Macedonia. His son **Cassander,** after a long series of contests, gained possession of both Macedonia and Greece B. C. 301, and reigned until his death. **Antigoni,** also one of the generals of Alexander, after his death ruler of Phrygia, Lycia, and Pamphylia, and later, of all Asia. Of his son **Philippus** very little is known. Dict. Biog.

13. **Universam,** sc. *multitudinem.*

14. **Excitat.** The MSS. add *ad gloriam,* i. e. *rouses to glorious* deeds. But *gloria* denotes the permanent *condition* of being famous, not an *activity;* and *universa gloria* for *gloria apud omnes* is un-Ciceronian. The true meaning is also indicated by the clause in line 5, with which it is contrasted. He.

18. **Ea,** sc. *modestia et gravitas.*

21. **Et apud populum.** Cf. p. 50, line 5 *et seqq.*

23. **In judiciis,** i. e. *in forensi genere dicendi.* He.

24. **Constat,** sc. *ratio judiciorum.*

26. **De Crasso,** sc. on p. 75, line 33.

27. **M. Antonius,** the grandfather of the triumvir of that name, consul B. C. 99. See p. 42, line 8, note.

28. **P. Sulpicii Rufi,** also a distinguished orator. In B. C. 94 he accused of *majestas* C. Norbanus, a tribune of the people, who was defended by Antonius and acquitted.

29. **Inutilem,** a case of litotes or meiosis, for *perniciosum.* Gr.

32. **Ii,** sc. *fecerunt.* **Duo Luculli,** Lucius (see p. 52, line 32, note,) and Marcus, adopted by M. Terentius Varro, consul B. C. 73, and one of the leaders of the aristocratic party. When quite young, they accused the augur Servilius, to retaliate for his procuring the banishment of their father Licinius Lucullus on a charge of bribery and malversation. Servilius was acquitted, but the trial added greatly to the credit and reputation of the elder of the brothers. Dict. Biog.

33. **Patrocinii.** Cf. p. 19, lines 7–9, and note. **Nos pro Siculis,** in the orations against Verres, B. C. 70. **In,** *in the case of.*

34. **C. Julius** Caesar Strabo. See p. 42, line 9, note. He

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began his public career in B. C. 103, when quite young, by accusing T. Albucius of extortion during his praetorship in Sardinia. His speech which led to the condemnation of Albucius was much admired. Dict. Biog. **L. Fufii.** In B. C. 98 this orator accused M'. Aquillius of extortion during his consulship in Sicily; but Aquillius, who was defended by Antonius, was acquitted. 76

37. **Tribuat,** *let him render.* **Muneris.** See p. 9, line 31, note. **Inimicos,** personal or private enemies, hence used here rather than *hostes,* public enemies. **Saepius** qualifies **ulscisci.**

1. **Periculosum ipsi.** If the accused was acquitted, the prosecutor could be accused of malicious intent, and if convicted was banished or fined, or branded on the forehead with the letter K (*Kalumniator*). Dict. Antiqq. 77

2. **Committere.** See Lex. *s. v.* I., B, 4. It is an explanatory appositive of **Id.** He. Gr. regards it as the subject of **sordidum** *est.*

3. **M.** Junio **Bruto,** surnamed *Accusator,* because of the vehemence and harshness of his prosecutions. His father is mentioned by Pomponius as one of the three founders of the civil law. Dict. Biog.

12. **Est habendum religioni.** *We are not to hold it as a matter of scruple.* Hn. See Lex. *s. Religio,* II., A, 2. Its primary meaning is *a reverence for the gods,* springing from a careful pondering of divine things. Servius (*ad Virg. Aen.* VIII., 349), Augustine (*Retract.* I. 13), and Lactantius (IV. 28), derive the word from *religare,* and the last mentioned quotes the expression of Lucretius (I. 931), *arctis religionum animum nodis exsolvere.* But in favor of its derivation from *relegere, to gather again and again, to go through or over again* in reading, in speaking, or in thought, are the following considerations: 1st. Cicero's statements, *De Nat. Deor.* II. 28: *Qui autem omnia, quae ad cultum Deorum pertinerent, diligenter retractarent et tamquam relegerent, sunt dicti religiosi ex relegendo, ut elegantes ex eligendo, et tamquam a diligendo diligentes, ex intelligendo intelligentes; his enim in verbis omnibus inest vis legendi eadem, quae in religioso;* II. 3: *Religione, id est cultu Deorum; De Invent.* II. 53, 161: *Religio est, quae superioris cujusdam naturae (quam divinam vocant) curam, caerimoniam affert;* 2d. The form of the participle in a verse quoted by Ni-

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77 gidius Figulus (a Pythagorean philosopher, contemporary with Cicero) from an ancient poem, and copied by A. Gellius, IV. 9: *Religentem te oportet essse religiosus* (here = *superstitious*) *ne fuas.* Schoemann, in his commentary upon Cic. *De Nat. Deorum*, asserts that "this verse cannot be held to warrant the derivation given by Cicero, as *religens* is not a current word, but one manufactured by the poet to suit the derivation;" and with Corsson assumes the stem LIG = *to bind.* But Curtius, Vaniçek, and the lexicons of Klotz and Georges endorse Cicero's derivation. Fick also traces *religio* to a root signifying *to care for, to trouble one's self for.* 3d. The various meanings of **religio** which (according to Freund) follow more naturally from the idea of *the careful pondering of divine things.* Cf. also the language of Arnobius: *Non enim qui solicite religit et immaculatas hostias caedit . . . numina consentiendus est colere, aut officia solus religionis implere;* and Aug. *De Civ. Dei*, X. 3.

13. Nefarium, one who is impious *in his actions;* **impium**, strictly, one who is impious *only in mind.* D.

14. Fert, *allows*, although with a certain reluctance. Gr.

15. Judicis. The functions of the *Judex* appear to have been nearly the same with those of jurors in modern times. In civil suits (at least those in which the offence was prosecuted under some *Lex*), the magistrate before whom an action was brought appointed a *judex* to try the case, who was at liberty to avail himself of the legal advice of the jurisconsults, and to give a verdict. In criminal trials the *judices* were chosen by lot from among those who were selected annually by the *Praetor Urbanus*, and whose names were registered in the *Album Judicum Selectorum*. The *judices* voted by ballot, and a majority determined the acquittal or condemnation of the accused. The praetor who presided at the trial pronounced their sentence, and, in the case of condemnation, adjudged the legal penalty. See Dict. Antiqq.

16. Patroni, *advocate, pleader*, whose profession was quite distinct from that of the *jurisconsultus*.

17. Praesertim—scriberem, *especially as I am writing about philosophy, in a philosophical work.* After a principal clause in a past tense (as well as after the imperfect and pluperfect subjunctive in hypothetical sentences), the reason with **quum** is often expressed in the imperfect as one that existed *at that*

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time (*in that case*), although it may also hold good now. M. 383, Obs. 1. Cf. p. 60, line 1, and note. **De Philosophia.** The same distinction between theory and practice as in the opening of Chap. X. He. 77

19. Gravissimo, *strictest, most austere.* He. Cf. p. 107, line 36.

23. Adolescentes, etc. At the age of twenty-six Cicero made his first plea in a criminal trial, in defence of Sex. Roscius of Ameria, charged with parricide by Chrysogonus, a freedman of Sulla, supported, as it was understood, by the influence of his patron.

25. Exstat, *is published.* Beier.

Chap. XV. See Synopsis.

28. Cujus. The singular shows that **beneficentia** and **liberalitas** are taken together as one idea, though the repetition of **de** might lead us to expect otherwise. Gr. Cf. p. 21, line 24, note. **Ratio.** See p. 40, line 1, note.

29. Opera. See p. 63, line 25, note.

30. Haec . . . illa. See p. 31, line 27, note.

32. Utraque, sc. *beneficentiae ratione.* So Br. and He. O. and Gr. adopt the MS. reading *utroque*, which Gr. says may be taken either as masculine or neuter, **altera** then referring to **liberalis voluntas** = *liberalitas.* Z. 377. He. thinks *utroque* cannot be correct because **haec** and **illa** (feminine) have just preceded, and **altera** also follows, referring to **ratio.**

36. Quo is to be taken with **plures.**

3. Praeclare, etc. This story introduces the *third* reason why pecuniary aid is of less value. See lines 10 and 11. 78

5. Accusat, i. e. *reprehendit, objurgat.* He.

6. Malum is an interjection expressing indignation. See Lex. *s. v.* B. *δ.*

8. An tu id agis. See p. 23, line 10, note.

9. Praebitorem, *purveyor.* The technical term was *Parochi.* They supplied the Roman officials when travelling, with necessaries which could not be conveniently carried, at all the principal stations on the public roads in Italy and the provinces. Dict. Antiqq.

10. Quia sordidum regi, sc. to purchase the good will of his soldiers; yet this was not so bad as the moral corruption it caused in them. He.

13. Hoc—filio, sc. *praecepit.*

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78 **16. Latius pateat.** Cf. p. 8, line 33, and note.

19. Et = *sed.* See p. 14, line 23, note. **Idoneis,** i. e. *dignis.*

20. Diligenter, here not = *cum delectu,* but *economically.* He. Cf. p. 90, line 17.

21. Multi, sc. such as Milo, Curio, Caesar.

27. Non tanta studia. The same sentiment is expressed more fully on p. 87, line 21 *et seqq.* **Tanta studia assequuntur —odia** is an instance of Zeugma.

30. Claudenda . . . reseranda continue the metaphor contained in **arca** (p. 77, line 33).

32. Referatur ad facultates, i. e. let our resources be the measure of our bounty. Hn. See p. 17, line 15, note.

34. Usurpatum denotes a single act of using; *uti,* a permanent use. D. **In—consuetudinem,** i. e. *in proverbium usitatum.* He.

35. Largitionem—habere, i. e. has no limit or end. An allusion to the fable of the Danaides. The more gifts are bestowed, the more they are sought.

36. Consuerunt, sc. to receive gratuities.

37. Alii, sc. who have not yet received.

Chap. XVI. 39. Prodigi applies to those who give lavishly without regard to the value of money. **Epulis,** *public banquets,* such as were given to the Senate in the Capitol or in a temple, and to the people in the Forum, either at the *Feriae Latinae* or at funerals, and on other public occasions. He.

79 **1. Muneribus,** *exhibitions;* the customary gift of a public show to the people by the magistrates, and particularly the Aediles, as an expression of gratitude for election to office. For its distinction from *officium,* see p. 9, line 31, note; p. 12, line 32, note. **Ludorum,** sc. circensian and theatrical.

2. Venationum, sc. in the amphitheatre and circus.

9. Theophrasto. See p. 8, line 17, note.

10. Multus, *diffuse, prolix.* See Lex. *s. v.* I., B, 2

11. Apparatione = **apparatu,** (line 2,) *preparation* on a magnificent scale. Cf. p. 15, line 20, and note. On the signification of the endings, see M. 178, 4, Obs. 1.

12. Fructum divitiarum, *the enjoyment to be derived from riches,* or *which they afford.*

15. Aristoteles. The MS. reading is retained by Br., and He., who remarks that the sentiment is supposed by some to be

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taken from the περὶ πλούτου of Aristotle. Beier and O., because 79
no such sentiment is found in Aristotle's extant works, conjecture that Aristo of Ceos, who became the head of the Peripatetic School in B. C. 230, is here referred to, and substitute *Aristo Ceus.*

16. **Qui non admiremur,** *because we are not astonished.* Cf. p. 115, line 26.

18. **Qui obsidentur** = *obsessi.*

19. **Sextarium,** the sixth part of a *congius,* which was one-eighth of an *amphora.* See C. 312; H. 648, III.; A. 383; Roby, Vol. I., p. 452.

20. **Attenderint.** Notice the change here to the third person, and in the next clause to the first person again.

21. **Jacturis.** Cf. p. 34, line 14, and note.

23. **Quum praesertim neque,** lit., *while yet not once* = *quamvis neque.* He. **Necessitati subveniatur.** See p. 34, line 3, note.

25. **Ad—tempus.** See p. 16, line 5, note. **A levissimo quoque,** *by the most frivolous only.* The spectators must be here referred to, since the following clause refers to this phrase, and it cannot properly denote either those who exhibit the show or the performers. He.

30. **Certo,** *fixed,* i. e. not fluctuating, or dependent upon popular opinion. He.

32. **Bonis,** *the good* old. **Splendor aedilitatum,** i. e. in the celebration of the public games of which the aediles had the superintendence, on which occasions they often incurred a prodigious expense, with the view of pleasing the people and securing their votes in subsequent elections. Dict. Antiqq.

33. **Ab,** *from.* **Optimis viris,** to be understood not in a political sense, as the connection shows, but as denoting men of the greatest ability or qualifications. The demand was made upon such because they were the ones to whom the offices were given. He. **Postularetur,** the reading adopted by Br. and O., though most of the MSS. have *postuletur,* which some explain as due to the present meaning of **inveterasse** = *in consuetudine esse.* See p. 60, line 1, note. **P. Crassus** Dives, father of the triumvir of that name. He was consul B. C. 97, and afterwards was governor of Spain for several years.

35. **L. Crassus.** See p. 42, line 8, note.

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79 36. **Q. Mucio**, sc. Scaevolae. See p. 44, line 37, note.

37. **C. Claudius** Pulcher. In the games conducted by him, B. C. 99, elephants were for the first time exhibited in the circus, and painting employed in the scenic decorations. He was consul B. C. 92.

39. D. Junius **Silanus**. His aedileship was in B. C. 70. As consul-elect, B. C. 63, he was the first to give his opinion in the Senate as to the punishment of the Catilinarian conspirators. P. Cornelius **Lentulus** Spinther, aedile B. C. 63, consul 57, and proconsul of Cilicia the next three years. He was prominent in securing Cicero's return from exile.

80 1. M. Aemilius **Scaurus**. See p. 52, line 10, note.

2. **Pompeii**. In B. C. 55 he completed the first stone theatre ever erected in Rome. It was in the Campus Martius, and had seats for forty thousand spectators. The games exhibited, when it was opened, lasted many days, and consisted of theatrical shows, gymnastic contests, gladiatorial combats, and fights of wild beasts.

3. **Quid mihi placeat**. The following **tamen** shows that such extravagance did *not* please him. He only apologized for it because it was the old and established custom.

Chap. XVII. 5. Mamerco Aem. Lepido Liviano, consul B. C. 77.

6. **Praetermissio**, *declining*, sc. in order (as was suspected) to avoid the expense of exhibiting games.

8. **Bonis viris**, i. e. upright men, by whose judgment we ought to be guided; with **approbantibus**, a participial for a causal clause.

9. **Faciendum est**, sc. *id* or *ut largiamur*.

10. **Nos—fecimus**, sc. in B. C. 69. The most important business of his aedileship was the preparations for celebrating the Floralia, the Liberalia, and the Ludi Romani in honor of the three divinities of the Capitol; and although he avoided everything like meanness or parsimony in these games, he was equally careful to shun ostentation and profuse expenditure. Dict. Biog.

11. **Oresti**. Probably Cn. Aufidius Orestes Aurelianus is meant, who was consul B. C. 71.

12. **Prandia in semitis**, i. e. free dinners given by him in public places to secure popularity. **Decumae nomine**, *under pretence of making a tithe-offering* to some deity, such as was

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customary after any successful undertaking. Such sacrifices 80
were often accompanied by feasts for the people, or the distribution of food. He.

13. **Marco Seio.** An Equestrian, a friend of Atticus and Cicero, quaestor B. C. 80, and aedile B. C. 74. In a time of great scarcity (**caritate**, sc. *annonae*) he is said to have supplied the people with corn at a very low rate, and the credit which he thus obtained served to retrieve the disgrace (**invidia**) into which he had previously fallen by his condemnation for some unknown offence.

16. **Quando**, *since*. The use of this particle for *quoniam*, however, is rare in Cicero. He. See Lex. *s. v.* II. B.

17. **Nostro Miloni.** In his tribunate he endeavored to obtain Cicero's recall from banishment, and in his behalf, when arraigned for the trial of Clodius, who had procured Cicero's banishment, the latter prepared his famous oration. **Qui.** The relative clause, which states what tended to the honor of Milo, is virtually the subject of **honori—fuit.** He.

18. **Quae—continebatur**, *which was dependent upon my safety* (i. e. return from banishment), in so far as the banishment of Cicero was a victory of lawless violence over all order in the state. Gr.

19. **Conatus furoresque**, Hendiadys.

20. **Si—utile**, sc. *largitionem fieri.*

21. **His ipsis**, sc. *largitionibus, quae aut necessariae sunt aut utiles.* Gr.

22. **L.** Marcius **Philippus.** See p. 42, line 8.

25. C. Aurelius **Cotta**, consul B. C. 75, and a noted orator. C. Scribonius **Curio**, consul B. C. 76, and an intimate friend of Cicero. Notice the asyndeton, which occurs occasionally in speaking of colleagues in office, in contrasts, and *in examples.* M. 434; Z. 783. See also p. 24, line 4, note.

26. **Quodam modo.** This qualifying phrase is inserted because Cicero never attained the office of censor.

28. **Nostro quidem anno**, i. e. the year in which he was first eligible to each, which was fixed by the *Lex Villia Annalis.* We are nowhere expressly told what the legal ages were. Cicero, however, was elected quaestor in his thirty-first year, aedile in his thirty-seventh, praetor in his fortieth, and consul in his forty-third. Ramsay, Roman Antiqq.

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80 33. **Quamquam,** *To be sure, Of course.* The clause introduced by this particle stands in contrast alike to the preceding sentence and to the following **tamen.** Cf. p. 32, line 8.

34. **Gratiora,** *more thankworthy.* He.

35. **Verecundius.** See p. 37, line 25, note.

36. **Propter Pompeium.** Pompey erected two temples to Venus and Victoria, with colonnades adjoining. **Doctissimi,** i. e. *the philosophers.* Cf. p. 93, line 8.

38. **Non interpretatus.** Cf. p. 9, line 25 *et seqq.*, and see Introd., p. 143. **Phalereus Demetrius.** See p. 8, line 15, note.

39. **Periclem,** the greatest of Athenian statesmen, who d. B. C. 429.

81 1. **Praeclara—propylaea.** This structure, the vestibule or entrance of the Acropolis, was of Pentelic marble, covered the whole western end of the citadel, was considered one of the masterpieces of Athenian art, and cost over 2,000 talents.

2. **Iis libris,** sc. the *De Republica*, on the science of government, written in B. C. 54, only fragments of which are extant, amounting to about one-fourth of the whole, including the *Somnium Scipionis*, an episode in the 6th and last Book.

4. **Tota ratio—largitionum,** a circumlocution for *tales largitiones omnes*, which, however, would be less idiomatic. Z. 678. Cf. p. 10, line 25, and note; p. 40, line 1, note. **Genere,** *in general.* He.; *per se.* Zt.

5. **Tum ipsum,** *even then*, i. e. when *circumstances* (*tempora*) require it. M. 487, a, Obs. 1; Z. 270.

Chap. XVIII. 8. Altero genere. See p. 78, line 38.

11. **Et** after *alius* not unfrequently occurs in Cicero instead of the more common *atque* (= *than*) or *alius* repeated. He. See M. 444, b; Z. 340.

12. **Nullis—adversis.** Cf. p. 9, line 2, and note, and Z. 638.

15. **Non ne** = *non ideo, ne.*

19. **Bene facta, etc.** For the metre, see p. 24, line 17, note.

21. **Ex ceteris,** i. e. Not only will the recipient make a return, but all others will be grateful, for the reason given below. T. **Temeritate,** i. e. that which shows itself in giving indiscriminately to the worthy and the unworthy. He.

28. **Eamque injuriam,** sc. *ingratitude*, implied in **immemorem beneficii. In—liberalitate,** sc. in so far as liberality on the part of others is discouraged. **In** expresses not the reason,

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but the way in which and the circumstances under which something happens. He. 81

31. Redimi—captos, an infinitive clause used as an appositive.

32. Locupletari, *be provided with the necessaries of life.* Gr.

33. Ordine nostro, sc. *senatorio.* **Oratione Crassi**, in favor of the bill of Servilius Caepio, B. C. 106, for restoring the *judicia* to the Senate. See p. 42, line 8, note.

34. Consuetudinem, *common form.*

37. Quasi serves to soften the term **assentatorum**, which always has the idea of deceptive flattery, while these gifts to the people were bestowed by *all* who sought political offices. He. On this force of **quasi**, see p. 11, line 14, note.

3. Contrahenda. See p. 25, line 2, note. 82

4. Vicinitatibus, et confiniis, *in the relations arising from neighborhood and in the determining of boundaries.* Cs.; i. e. that intercourse which exists between the owners of houses and estates adjoining each other. Zt. *Vicini* are neighbors with reference to house and yard; *confines*, with reference to the boundaries of the land. D.

6. Quantum liceat, sc. with reference to one's private interests. He. **Nescio an**, used like *haud scio an.* See p. 18, line 22, note.

8. Liberale. See p. 55, line 32, note.

11. Sed ita, sc. *habenda ratio est.*

13. Est—maximus. On the collocation of the words, see p. 9, line 26, note.

20. Vehementer utile, i. e. *valde utile.* **Honeste posse multum**, *to become powerful in an honorable way.* Gr.

23. Cimonem, the son of Miltiades, who flourished in the first half of the fifth century B. C., distinguished for his able and successful generalship, and for his liberality and munificence in private life. **Athenis**, bracketed by Br., and by He. who remarks that it could only mean that he was generous *at Athens*, while it is his liberality exercised not in the city but in the country which is expressly stated. Hn. considers it = *Atheniensem.* **Suos curiales**, lit., *belonging to the same curia;* here = δημόται, *residents of the same* δῆμος, *township* or *borough.* This was the δῆμος Λακία. Hence its members were οἱ Λακιάδαι. **Laciadas**, also bracketed by Br. and He.

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82 **Chap. XIX.** See Synopsis.

27. Opera, non largitione. See p. 77, line 29.

28. Tum . . . tum. See p. 58, line 35, note.

29. In jure cavere, sc. *alicui*, i. e. to give legal advice to one in a lawsuit. Gr.

30. Consilio juvare, bracketed by Br. He. also considers it a gloss, on the ground that the expression is too general. What follows shows that a knowledge of the science of law is referred to.

33. Tum quod, i. e. **tum** *illud praeclarum est* **quod.** Gr.

35. Ante hanc, etc., i. e. *ante horum temporum confusionem.* He.

36. Principes. The knowledge of the *jus civile* was confined to the patricians until Cn. Flavius, a secretary of App. Claudius Caecus, made public the legal *formulae.*

38. Eo indignius, sc. *factum est.*

39. Quum is esset = *viveret.* The allusion is to Serv. Sulpicius Lemonia Rufus, consul B. C. 51, the greatest jurist of his time, and as an orator inferior only to Cicero, with whom he was on terms of intimate friendship.

83 **4. Gravior,** bracketed by Br., O., and He. The position of the word makes it probable that it came into the text as another reading for **gratior.** Besides, it is not suited to the connection; for *gravis* is no more applicable to oratory than to jurisprudence. He.

8. In toga, i. e. *in pacis artibus.* Cf. p. 32, line 14.

9. Facile, *readily, willingly.*

11. Gratuito, *with no remuneration.* In early times, (**in patriis moribus,**) no *patronus* took a fee from his client; but as this custom fell into disuse, the *Lex Cincia* was passed B. C. 204, which forbade the payment of money for the pleading of a case in court. **Beneficia et patrocinia.** Hendiadys. Bl.

12. Admonebat. The imperfect indicative is sometimes used of a thing which has partly occurred already in the present time. M. 348, *b.*

14. De me ipso, i. e. on my own account, since I have been deprived of all opportunity for the practice of my profession of oratory. **Aliquid.** See p. 19, line 2, note.

15. Sed tamen, i. e. *But* even when I am silent, *we yet see, etc.* Gr. **Quibus—oratoribus,** *since the death of these eminent orators* of the past. Gr.

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16. Quam—spes, i. e. how few young men there are who we can hope will attain a like excellence in oratory. Zt. 83

17. Audacia, *presumption* in attempting to plead at the bar without the requisite qualifications.

19. Licet—petentem. See p. 37, line 21, note. For the different constructions with **licet**, see M. 389, and Obs. 5; Z. 601.

20. Beneficia, here, chiefly *civil offices*, sc. *pro iis* (referring to **multis**). **Commendantem**, sc. as an *advocatus* before the court. He. **Magistratibus.** See p. 24, line 4, note, on the asyndeton.

21. Eos—consuluntur = *juris consultos*.

24. Illud. See C. 139, 1, note; H. 410, I. 1; A. 219, Rem.; G. 375, Rem. 1.

26. Offendant. See p. 39, line 23, note.

28. Imprudentes, *unwittingly*.

30. Adversus. See p. 18, line 20, note. **Possis**, sc. *uti*.

32. Quod—videbitur, i. e. *in quo violati videbuntur, the injury done them.* Cf. p. 17, line 37, *quae liberantur*. He.

Chap. XX. 35. Soleat. For the construction, see p. 55, line 17, note.

36. Itaque = *et ita*.

2. Fere. See p. 27, line 18, note. 84

5. Referre gratiam, *to return a favor in act.*

6. Commode, sc. *dixit.*

7. Pecuniam qui habeat, etc. The point of the saying consists in the play upon the meaning of **habere**. He who has paid back money no longer has it; but one can repay a favor and still cherish a feeling of gratitude for it. Hn. and Gr.

10. Beatos, *blessed with the gifts of fortune.* It includes both **locupletes** and **honoratos**. He.

13. Postulari. They see in the bestowment of the gift an intimation that a recompense is expected, even when this expectation is not expressed in words. Hence the present infinitive. He.

14. Patrocinio, here, in its most general signification. **Vero** introduces the third step of the climax of which the first is marked by **quin etiam**, and the second by **atque etiam**. He. **Se usos**, sc. *dici*.

16. Ille tenuis, = **inops ille** (line 4.) **Quum** = *quandoquidem*. He.

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84 17. **Qui est meritus**, sc. *bene de eo.*

19. **Multis**, sc. *hominibus.* **Se videri**. On this construction after **studet**, see p. 28, line 8, note, and Z. 610.

21. **Extenuat**, *depreciates* it. **Videndum—illud**, *this fact ought to be considered*. He. **Que**, *moreover*. **Quod—manet**. This form is used rather than the infinitive to given prominence to the fact, which is made still more emphatic by prefixing the demonstrative **illud**. M. 398, b; Z. 626, Note 1. Cf. p. 85, line 20.

22. **Si forte**, inserted adverbially, *if it so happen*. He.

23. **Sin autem**. See p. 23, line 4, note.

25. **Quae—multitudo est**, i. e. *quorum magna, etc.* See p. 8, line 39, note.

27. **Collocari**, *be invested*, like money put out at interest. Cf. p. 74, line 11 *et seqq.*

28. **Omni generi**, *people of every kind*. Cf. p. 75, line 19, *genere toto.*

29. **Si res—veniet**, i. e. if you have occasion to decide whether to render a service to a good man or a fortunate one. On **contentionem**, see p. 56, line 28, note.

31. **Consuleretur**, sc. *ab aliquo*, in which is implied the subject of **collocaret**.

35. **Quarum**, i. e. the wealth of another. **Ad—pertinet**, sc. that we should estimate him the more highly, or wish the more to do him a favor on account of it.

37. **Opulentior**, a conjecture of Lambinus, adopted by Br. The MS. reading is *utentior*, which does not occur elsewhere in Cicero, but which most other editors retain in the sense of *spending more money.*

85 1. **Sit—judicium**, *and let the decision depend entirely upon.* He.

2. **Extremum** = *summum.*

3. **Beneficiis operaque**. Hendiadys.

4. **Ne quid—contendas**, i. e. *strive to effect.*

Chap. XXI. 10. **Ad universos** is used for the sake of the sharp contrast with **ad singulos**, (*individuals*,) and is explained by the following clause **quae—pertinent**. To this latter clause **eorum ipsum** also refers. He.

11. **Partim . . . partim**, used as partitive adjectives in the nominative with the preceding genitive limiting them. M. 284, Obs. 4; Z. 271.

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12. **Universos cives**, i. e. the body of citizens as a whole. 85

13. **Attingant.** Cf. p. 13, line 13, and note. A *beneficium ad rem publicam pertinens* was the discharge of the duties of every office in the State, since this was a service without remuneration. But this would often involve services to individuals also. The praetor, for example, in administering justice, would serve both the State and those individuals whose rights or property he preserved. He.

14. **Omnino.** Cf. p. 33, line 34, note. **Si possit**, sc. *fieri*. **Utrisque**, sc. **ut consulatur**, which is to be supplied from what follows. It includes both **universi** and **singuli**. The thought is therefore: The most important concern must have reference to that which is beneficial alike to the State and to individuals, but next to that the interests of individuals must be cared for even when no advantage to the State as a whole accrues therefrom. He. Gr. makes it agree with *beneficiis*.

15. **Ita ut—ne**, i. e. *ut caveamus, ne*. He.

16. **C. Gracchi.** See p. 32, line 7, note; p. 74, line 27 *et seq*. His law provided that every citizen could receive in person from the public stores in the Capitol a definite quantity of grain monthly—apparently five *modii*—at six and one-third asses the *modius*, or less than half a low average price. See Mom. III., 136.

18. **M. Octavii**, tribune B. C. 120, proposed and secured the passage of a law for raising the price at which corn was to be sold to the people by the *Frumentaria Lex* of Caius Gracchus. Dict. Biog.

22. **Publice**, *by public authority*, sc. by the Agrarian laws. **Perniciose.** *Egit*, which we supply in thought, is omitted on account of the intervening clause, and instead of it **sed quum in agendo, etc.**, follows by an anacoluthon. He.

23. **Philippus.** See p. 42, line 8, note; p. 80, line 22. The details of his law are not known. He seems to have brought it forward chiefly with the view of acquiring popularity, and he quietly dropped it when he found there was no hope of carrying it. Dict. Biog. **Legem agrariam**, i. e. the law for distributing among the poor citizens a certain portion of the public lands. As these lands were occupied and rented by the nobility at a nominal rate, the agrarian measures were always bitterly opposed by them. **Ferret**, *proposed*.

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85 24. **Antiquari,** *to be rejected.* In the case of laws, each voter received two tablets, on one of which were the letters V. R., the initials of *Uti Rogas,* i. e. let it be *as you ask,* and this he used if he was in favor of the measure; on the other the letter A, the initial of *Antiquo,* i. e. *antiqua probo, I prefer the old state of matters,* and this he used if he voted against the bill (*rogatio*), whence the phrases *antiquare legem = to reject a law.* Ramsay, Rom. Antiqq. **In eo,** for *in quo.* See p. 63, line 35, note.

25. **Sed** stands with reference to the intervening clause **quam —praebuit.** Otherwise *nam* would be requisite to connect this with the principal clause. Gr.

26. **Populariter,** sc. *egit,* here in a bad sense. **Illud male,** sc. *dixit.*

27. **Rem.** See p. 22, line 9, note. **Capitalis.** See p. 21, line 20, note.

28. **Ad—pertinens,** *tending to the equalization of property, communism;* for its influence would be to excite the mass of poor citizens to seize and divide equally among all the property of the wealthy few.

30. **Tenerentur,** the reading of the MSS., adopted by Br. and O. *Tenerent,* the reading of two MSS., is preferred by Gr. and by He., who remarks that without an accompanying *cuique* or *cujusque,* or without a subject to be supplied from some other clause, *suum* cannot denote *one's own property.* He supplies *homines* (sc. *a quibus constitutae sunt civitates*) as the subject of *tenerent.* See M. 490, b.

31. **Nam etsi, etc.** On the thought, see p. 58, line 26 *et seqq.*

36. **Tributum,** *a property tax,* paid by all the citizens alike, and the proceeds chiefly, if not altogether, applied to make provision for the expenses of war. Thus the amount raised, and so the rate per cent., varied annually according to the demands of the public service, and was fixed by the Senate, who were said *indicere tributum,* while the people correlatively were said *conferre tributum.* It was regularly levied until the conquest of Macedonia, B. C. 167, when such vast sums were poured into the treasury that this tax was no longer needed. Ramsay, Rom. Antiqq.

38. **Muneris,** *duty* exacted by the State, i. e. **tributum.**

39. **Alii** is the reading of one MS., adopted by Br. and O. The other MSS. omit it. Instead of it, *ita* is inserted by He.,

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who considers **alii** unsuited to the connection, since Cicero 85
does not predict any evil of any other State, yet insists that some word is needed to express the contrast to **quam—ominari**, and the more because after **malo** must be supplied not **ominari**, but, according to a common ellipsis, *dicere*. **Neque tamen**, i. e. *still* this additional remark is not necessary *for*, etc.

7. **Tantum**, an adjunct of **attingendus**, *needed only to be* 86
touched upon.

9. **Avaritiae**, opp. to **abstinentiae**, (line 28.)

10. **C. Pontius**, the Samnite general, who in B. C. 321 defeated the Romans at the battle of the Caudine forks, and compelled them to pass under the yoke.

14. **Saecula**, *generations of men*. **Exspectanda fuerunt.** See p. 16, line 25, note. **Modo.** See p. 15, line 17, note.

16. **Siquidem** denotes a reason implied in a previous concession. Z. 346.

17. **Tantum roboris**, sc. to carry his threat into execution. He.

18. **De pecuniis repetundis.** The *crimen repetundarum pecuniarum* originally denoted a charge of extortion preferred against a provincial governor. The provincials who brought the charge were said *res repetere*, and part of the punishment was a restitution of the sum or objects illegally appropriated, which were called *Res Repetundae*. In process of time, however, this *crimen* was held to apply to any act of misgovernment or oppression by a provincial governor. **L. Calpurnio Pisone**, surnamed Frugi, consul B. C. 133, and one of the Roman annalists. Though he was a staunch supporter of the aristocratic party, he would not overlook their crimes.

19. **Lata est.** The indicative is also used when **quum** (*from the time when, since*) connects an event with a time and circumstances previously mentioned. See C. 214, 4, note 3; H. 521, 2, 2); A. 325, *a*; G. 582. **Fuisset.** See p. 8, line 31, note. **Lex —nulla—fuisset.** In earlier times governors had sometimes been accused of extortion or misgovernment, but such cases had been tried by the *Comitia Centuriata*, or by a special commission appointed by the *Comitia* or the Senate. The *Lex Calpurnia*, which Piso carried in his tribuneship, B. C. 149, was the earliest law which provided for the establishment of a standing commission to try cases, *De Repetundis*. Ramsay, Rom. Antiqq.

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86 20. **Proxumae—duriores,** *the more recent—the more rigorous.* After *quisque*, with the superlative, only a superlative can logically follow. The comparative is to be explained by a mixture of the two constructions, *quo propiores—eo duriores* and *proximae quaeque durissimae.* He.

21. **Italicum bellum,** sc. the *Social war*, occasioned by the struggle of the *Italian allies* (B. C. 100-88) to obtain the privileges of citizenship.

22. **Propter—metum.** M. Livius Drusus (see p. 42, line 9, note), in his tribuneship, B. C. 91, proposed a law transferring the functions of jurors from the knights to the Senate, and appointing a special criminal commission for the trial of those knights who had been guilty of accepting bribes. It is probable that this decided the moneyed aristocracy to oppose all his measures, including that one which provided for the elevation of the Italian allies to full citizenship. The latter then, despairing of obtaining this privilege in any other way, took up arms. Mom.

23. **Expilatio—sociorum,** sc. by Sulla and Caesar in their dictatorships.

Chap. XXII. 26. **Africanum,** sc. Scipio Africanus Minor. See p. 32, line 4; p. 36, line 27; p. 44, line 37, note. **Fuerit.** M. 357, a, *in fin.*

27. **Abstinens.** See p. 87, line 10, note. **Sed, etc.,** i. e. His integrity was indeed praiseworthy; *but* he had other loftier qualities, and this virtue was characteristic of the times in which he lived.

30. **Paulus.** See p. 44, line 37, note. **Tantum pecuniae.** According to Velleius Paterculus (I. 9), he brought into the treasury *bis millies centies sestertium*, two hundred millions of sesterces = (about) eight millions of dollars.

31. **Finem—tributorum.** See p. 85, line 36, note.

32. **Finem attulerit,** *has put an end to, etc.*, for all time following. For the tense, see C. 234, 5; H. 495, VI.; A. 287, *c*; G. 513.

34. **Patrem.** See p. 44, line 37, note.

35. **Quid?** See p. 68, line 2, note. **L. Mummius.** He gained the surname of Achaicus by the destruction of Corinth, B. C. 146, the conquest of Greece, and the establishment of the Roman province of Achaia.

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37. **Italiam ornare**, sc. by the great number of works of art 86
which he carried thither from Greece. He, however, retained the severe simplicity of early Rome in his style of living, and died poor.

1. **Digressa**, the reading of one MS., and adopted by Br. and 87
O. *Egressa*, found in most MSS., is preferred by He.

3. **Habere quaestui**, to enrich one's self at the expense of the State by managing its affairs.

5. **Oraculum**, sc. given to the Spartan kings Alcamenes and Theopompus: *ἁ φιλοχρηματία Σπάρταν ὀλεῖ ἄλλο δὲ οὐδέν.*

7. **Id** refers not to **oraculum**, but to the whole clause **Spartam—perituram**.

10. **Abstinentia**, command over the desire for what belongs to another; **continentia**, over sensual desires. Both are antagonistic to **avaritia**. Bl.

11. **Se populares volunt**, sc. *esse*, an ellipsis not uncommon in Cicero. He. Cf. p. 28, line 8, note.

12. **Agrariam—tentant.** The usual expression for *propose an agrarian law.* **Possessores**, not *owners*, but *occupiers, tenants* of the public lands. See p. 85, line 23, note.

13. **Pecunias—condonandas**, an allusion to laws for the abolition or reduction of debts.

17. **Si non**, with an emphasis on the negation, is used only where **non** is united with the following verb so as to form one negative idea, which is put forward in opposition to the affirmative notion. *Nisi* excludes the case in which a thing does not occur. M. 442, c; Z. 343.

19. **Ut supra dixi**, sc. p. 85, line 29 *et seqq.*

20. **Cujusque** is feminine, and agrees with **rei**. He.

22. **Quam putant**, sc. *se consecuturos.* Z. 774.

24. **In pecuniis creditis**, *in the case of debts* remitted.

26. **Non fuisse solvendo**, *to have been insolvent. Esse* is used with the dative of the gerund to signify *to be in a condition to, able to,* (particularly of payments and pecuniary obligations.) M. 415, Obs. 1; C. 252, 9, 3; H. 542, II.; A. 299, *a*; G. 430.

27. **Prae se fert**, *openly exhibits, publishes.*

30. **Non numero . . . pondere**, i. e. not by the number, but by the character, position, and influence of those who have been injured.

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87 31. **Quam habet aequitatem** = *quam aeque fit*. Gr. Cicero uses the term *aequitatem*, not *justitiam*, for he is speaking of the occupancy of the public lands, which the State had the indisputable *legal right* to recall from those who had leased them. Yet where lands had been held for generations, and valuable improvements had been made upon them, great injustice might be involved if the occupants were suddenly obliged to relinquish them.

32. **Possessum**, *taken possession of;* from *possido.*

33. **Ut habeat**, a clause of result, which is also the subject.

Chapter XXIII. 35. **Propter—genus.** See lines 12 *et seqq.*

36. **Lysandrum**, not the Lysander mentioned on p. 42, line 31, but the friend of Agis, associated with him in his attempted political reforms and overthrow. **Ephorum**, one of the Spartan magistrates chosen by the people as a check on the power of the kings and Senate. **Agim**, fourth king of Sparta, B. C. 244–240. His measures for a new partition of the landed property of the nation which had passed into the hands of a few individuals, and for the abolition of all debts with which the poor were burdened, were bitterly opposed by the aristocracy; and they finally caused his arrest and execution.

38. **Exque.** See p. 47, line 5, note.

39. **Tyranni.** After Cleomenes III., who had renewed the attempts of Agis, had been banished, B. C. 222, first Lycurgus ruled over Sparta, next Machanidas, then Nabis, after whose murder Sparta came under the Achaean league. **Optimates.** Cleomenes put to death four Ephori and banished (**exterminarentur**) eighty Spartans who opposed his measures of reform. He.

88 3. **Contagionibus.** Cicero represents the contagion of evil as transmitted from one State to another, and hence uses the plural. Bl.

6. **Africani**, sc. the elder, whose daughter Cornelia was their mother.

7. **Aratus Sicyonius**, at the age of twenty, B. C. 251, with a party of Sicyonian exiles, gained possession of his native city, Sicyon, and joined it to the Achaean league. In B. C. 245 he was elected general of the league, and subsequently re-elected sixteen times. He was poisoned B. C. 213 by order of Philip of Macedon. Dict. Biog.

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9. Tyrannis, sc. Abantidas, who murdered Clinias the father 88
of Aratus, Paseas the father of Abantidas, who was put to death by Nicocles, and **Nicocles** himself, who, on the surprise of the citadel and the burning of his palace by Aratus, fled.

14. In—possessionibus, *in the matter of, etc.* Bl. considers **bonis et possessionibus**, a case of hendiadys. Cf. p. 83, line 11.

16. Possederant, *had come into possession of.*

17. Quinquaginta—possessiones. The exiles had been banished in part before the time of Clinias.

18. Moveri. A concise mode of expression for *possessores moveri agris.* Gr.

24. Integram, i. e. *intactam.*

25. Ptolemaeum *Philadelphum,* **B. C. 285–247,** the son of Ptolemy I. (Soter); hence **alter.** He was noted as the patron and promoter of literature and science, and for the prosperity and power of his kingdom. According to Josephus, it was by his command that the Hebrew Scriptures were translated into Greek.

27. Alexandream conditam, sc. in B. C. 332, when the ground-plan was laid out and the building begun by Alexander the Great, though it was not completed until the reign of Philadelphus. In words adopted from the Greek, ει is expressed before vowels by **i** or **e**. M. 5, **b**, Obs. 2.

28. Liberare, here in the wider signification of *the regulation of internal affairs.* He.; in the sense that the work of liberation was not complete until a settled condition of affairs was reached. Gr. **Causam docuisset,** *had set forth the condition of affairs.* He.

29. Grandi pecunia. Ptolemy gave him a hundred and fifty talents, partly because it was of importance to him that the Macedonians should be driven out of the Peloponnesus, in order that he himself might gain influence there, and partly because Aratus had often sent him valuable paintings from Greece. He.

32. Causas cognovit, i. e. investigated the justice and merits of the claims.

33. Aestimandis, *by appraising.*

34. Aliis, sc. those who had come into possession of the estates of the exiles.

35. Aliis, sc. those who had been in exile.

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88 36. **Tanti**, sc. *quanti possessiones amissae erant.* Gr

89 2. **Bis jam vidimus**, sc. under Sulla and Caesar. **Hastam — ponere.** See p. 69, line 5, note, and line 22.

6. **Commoda divellere**, i. e. to alienate or set at variance by divided interests. Cs. **Atque.** See p. 14, line 23, **Que**, note.

7. **Continere**, *to hold together, unite.* **Habitent, etc.**, Subjunct. of Desire. Caesar issued an edict in B. C. 47, exempting the smaller tenants from the payment of house rent for a year, to the damage of the landlords. This is introduced here under the form of the objection of an opponent, and is answered with **Quid ita.** He.

8. **Quid ita?** *How so? Why?;* explained by an ellipsis of the preceding verb. Z. 769.

9. **Tuear**, *keep in repair.*

10. **Eripere**, the subject of **est.**

11. **Tabulae novae**, lit., *new account-books,* then *an abolition of debts,* either wholly or in part, by law. **Quid argumenti**, *what meaning has, what does it aim at.* He.

Chap. XXIV. See Synopsis.

15. **Quod** refers to the whole preceding thought, though in such a case Cicero usually has *id quod.* Bl.

16. **Non, si fuerit, ut**, i. e. *si fuerit* (sc. *aes alienum, etc.*) *non ita faciendum est, ut.* So, frequently, a general word is to be supplied from a particular, an affirmative from a negative. He.

19. **Fides**, *credit.* **Esse**, *exist.* **Nulla.** See p. 19, line 3, note. **Necessaria**, *compulsory.*

21. **Quam me consule**, sc. B. C. 63, by Catiline, who promised a total abolition of debts.

25. **Dissolutum**, a stronger expression than *solutum.* Cs.

26. **Solvendi necessitas.** Cicero threatened to sell by auction the goods of the debtors, if they did not pay their debts.

27. **Hic nunc victor.** See p. 67, line 19, note. **Tum victus.** That Caesar (and Crassus) had a hand in the game of Catiline, in B. C. 63, as well as in the plot of B. C. 66, may be regarded —not in a juristic, but in a historical point of view—as an ascertained fact. Mom., Vol. IV., pp. 223-226.

28. **Quae cogitarat.** After these words O. and He. insert the clause *quum ipsius intererat tum*, which has some, but not the best, MS. authority, on the ground that after the first antithesis, **nunc victor, tum victus**, we should expect in contrast with

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quum—interesset a clause, without which **quae cogitarat** 89 would be unintelligible. **Ea perfecit** Caesar did *not* yield to the popular demand for the total abolition of debts, though he did make one unjustifiable concession in decreeing that all interest in arrears should be remitted, and that which had been paid should be deducted from the principal. The *other* concession was certainly not unreasonable—that the creditor should bear his share in the general depreciation of property occasioned by the civil war, by accepting the property of the debtor, in lieu of payment, at the estimated value which his effects had before the war began. Mom. IV., 624. **Quum—interesset,** *although he had no longer any personal interest in.* Hn.; i. e. when his conquests in Gaul had freed him from his debts and enriched him.

29. Tanta in eo, etc., an utter misconception of Caesar's character and motive. Caesar was, like every party leader, dependent on his party, and could not directly repudiate the traditional maxims of the democracy in the question of interest. Mom. IV., 625.

34. Juris et judiciorum, *legislation and the administration of justice.* Gr.

35. Neque . . . neque. See Z. 535; M. 458, a *et seqq.*

37. Praeterea—augeant. This clause does not depend logically upon **ut**, but is co-ordinate with **in primis operam dabunt.** Properly, *augebunt* should have been used, but the introduction of the subjunctive in the intervening clause has occasioned the change to the same mood in this clause also. He.

3. Cum, *together with.* Gr. 90

5. Utilitatum praeceptis. See p. 70, line 24, note. **Antipater Tyrius,** of a later date than, and not to be confounded with, the Antipater of Tyre, who was the friend and teacher of Cato Uticensis. Dict. Biog. For still another Antipater, see p. 107, line 36, and note.

10. Sed forms the transition: *But, though they are easily comprehended, yet I will say, etc.* He. Cf. p. 41, line 23, note. M. 480; Z. 739.

11. Quae res . . . soleant, an indirect question. M. 356.

12. Victu. See p. 11, line 24, note.

13. Praetermittendis voluptatibus, bracketed by Br., O., and He., who remarks: It is inserted without any particle of

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90 connection; it destroys the balance of the several members of the sentence, and expresses a precept which is implied in the preceding clause **continentia—causa**.

14. Arte eorum, a circumlocution for *medicorum*, many of whom were the household slaves of distinguished Romans. Bl.

17. Etiam, *furthermore;* not *also*, which is implied in **eisdem**. Gr.

19. Oeconomicus, a treatise of Xenophon, in the form of a dialogue between Socrates and Critobulus. Dict. Biog. The original is still extant, but only a few fragments of Cicero's translation.

20. Ista aetate, etc. See Introd., p. 138.

21. Latinum. See Lex. *s. Latium*, II. B, 2, c. **Sed toto—disputatum est.** This passage occurs in the MSS. just before the last sentence of the next chapter. But it has no connection with the *utilitatum comparatio* of which that chapter treats, while the final sentence **Reliqua—persequemur** follows naturally after **recteque hoc—genus.** On the other hand, this passage is upon the same topic as the latter part of Chapter XXIV., and particularly the words **commodius—philosophis, etc.**, fitly follow after **commodissime—Socraticus.** The transcriber probably passed from one **Sed** to the other, accidentally omitting this paragraph, and afterwards appended it in the wrong place. He. Accordingly, most recent editors concur with Unger in the opinion that it should be inserted here.

22. Collocanda. See p. 74, line 11, note.

23. Etiam de utenda. *Vellem* is not found in the best MSS., yet it occurs in two of them before these words, and is retained by O., He., and Gr. *Augenda* is substituted for **utenda** by Unger and Br. **Optumis**, used with a slightly contemptuous force. Cf. p. 60, line 13.

24. Ad Janum medium. There were three arched passages called *Jani*, on the north side of the Forum, one at each end and one in the middle. Near these, and especially the *Janum medium*, were the places of business (*tabernae*) of *bankers* and *brokers*.

25. Schola. See Lex. *s. v.* I. B, 2.

Chap. XXV. See Synopsis, and p. 10, lines 16–39.

28. Utilitatum, i. e. *rerum utilium*. Gr.

31. Et—corporis, bracketed by Br., O., and He., as is also

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the clause (line 34) **cum corporis—viribus.** He. regards them 90
as plainly interpolations because they are tautological, and Cicero would have disregarded the simplest rules of logic if he had written them.

33. Externis = *fortunae bonis.* **Corporis.** Where "*that*" or "*those*" is used in English, instead of repeating the preceding substantive, the pronoun *is* is never used in Latin, and only later authors use *ille.* The preceding substantive, if it can be conveniently omitted, is left to be supplied. Z. 767.

34. Ut malis, put elliptically for *ut quaeras utrum malis,* or *ut dicas te malle divitem esse.* Gr. For the position of **ut,** see M. 465, b, Obs.; Z. 356.

37. Externorum. The construction is anacoluthous, since from **hoc modo comparantur,** *haec est comparatio* must be supplied. He. Gr. supplies *comparatio instituitur hoc modo.*

38. Vectigalia urbana, *income from property in the city,* such as real estate, factories, mercantile investments.

1. Quaereretur. Contrary to the general rule, the imper- 91
fect subjunctive is frequently used in interrogative expressions where we should have expected the pluperfect. Z. 505, note.

2. Pascere, *the raising of cattle.* Gr.

3. Satis bene = *Mediocriter.* Cf. Plin. *Nat. Hist.* XVIII. 6: *Idemque Cato interrogatus, quis esset certissimus quaestus, respondit, "Si bene pascas." Quis proximus?* "*Si mediocriter pascas.*" **Quid tertium? Male pascere.** These words are wanting in most of the MSS. and in the chapter of Pliny from which the above quotation is made. They are given, however, in Columella's version of the same story, VI., *Praef: Ut etiam M. Cato credidit, qui consulenti, quam partem rei rusticae exercendo celeriter locupletari posset, respondit, si bene pasceret; rursusque interroganti, quid deinde faciendo satis uberes fructus percepturus esset, affirmavit, si mediocriter pasceret. Ceterum de tam sapiente viro piget dicere, quod eum quidam auctores memorant, eidem quaerenti, quidnam tertium in agricolatione quaestuosum esset, asseverasse, si quis vel male pasceret.*

4. Male = *Non satis bene;* i. e. in a way which brings in but little profit. Cs.

5. Faenerari. See p. 55, line 35, note.

6. Quid hominem occidere, i. e. usurers are no better than

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91 murderers. Gr. **Ex quo, etc.** Cf. the conclusion of Book First: p. 59, line 24 *et seqq.*

9. Exquirendorum—genus, *topic in the investigation of duties.* Cf. p. 10, line 34 *et seqq.*

BOOK THIRD.

92 **Chap. I.** See Synopsis.

2. Scripsit Cato, probably in the 'Αποφθέγματα mentioned on p. 41, line 4. M. Porcius **Cato** Censorius was born *the same year* with Africanus Major, B. C. 234, was consul, B. C. 195; but gained his greatest distinction from his censorship, which began B. C. 184. He was also eminent as a popular orator, and was the author of the first prose work in Latin—the *Origines*, a history of Rome.

3. Fere aequalis. He was elected to the various offices of State somewhat later than Africanus. **Otiosum . . . otiosus.** Notice the play upon the word. **Otiosum,** in the literal sense, *unoccupied;* **otiosus,** in a sense very frequent with the Romans, *free from official business.* Cf. p. 30, line 4, note. The nouns **otium** and **negotium** are often used in a similar way with reference to participation in public affairs, since with the Romans that was *the* appropriate *business* of a citizen, as e. g. lines 6 and 7; line 22; p. 29, line 34; p. 58, line 7; p. 93, line 10. In line 12 of that passage another play upon the word occurs. For *otiosus* in still another sense, *neutral*, see p. 68, line 26.

5. Ac, sometimes used merely for variety with **et,** if one of the two connected members is again subdivided. M. 433, *in fin.*

8. Et. M. 458, **c**; Z. 338.

11. Vellem. See p. 18, line 36, note. **Liceret.** See p. 28, line 8, note.

13. Voluntate, i. e. so far as inclination goes. Hn.

14. Armis impiis vique, i. e. *vi armorum impiorum*, sc. of Antony. See p. 93, line 2, note, and Introd., p. 136.

16. Rura peragrantes, i. e. visiting his villas in the country. See Merivale, Hist. of Rom. Empire, III. 91. Of these he had fourteen or fifteen in all, each furnished with exquisite taste

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and adorned in many instances with masterpieces of Grecian 92
sculpture and Roman art For a description of them, see Forsyth's Cicero, I. 64 *et seqq.*

17. **Hoc** = *meum.*

19. **Muneribus,** *discharge of official duties.* Gr.

20. **Aliquando** here = *interdum.* He. Strictly, as distinguished from the latter, it means *now and then*, and approximates to the meaning of *prope numquam.* Cf. p. 29, line 26, note. **Sumebat** implies that he acted from his own inclination, and not from compulsion. Gr.

1. **Constitutum est,** antithetic to **sumebat** = *nobis impositum* 93
est. Gr.

2. **Exstincto Senatu,** i. e. *exstincta libertate senatus.* Three days after Caesar's death Antony surrounded with an armed force the temple of Tellus, where the Senate had assembled, and several times afterwards the temple of Concord, a frequent place of meeting, to overawe them and prevent freedom of deliberation. **Deletis judiciis.** Both the praetors, Brutus and Cassius, fled from the city soon after the murder of Caesar, through fear of the mob, and subsequently obtained from the Senate a decree releasing them from the obligation to reside in Rome—the law forbidding their absence from the city for more than ten days. Partisans of Antony took their place, and amid the disorders of the State the proper administration of justice could not be hoped for. He.

3. **In foro,** i. e. *in judiciis.*

4. **Celebritate,** *publicity.*

5. **Vixerimus.** For the mood, see Z. 555; M. 362, b. Cf. **peperisset,** line 12. Hn. renders it *after having lived*, and regards the subjunctive as marking a stronger contrast between his former and his present position.

8. **Hominibus doctis,** *philosophers.*

9. **Eligere.** The infinitive alone is employed after *oportet, it is necessary*, and *necesse est*, if it is not said *who* has to do a thing. See M. 398, a, Obs. 2; Z. 608, note, and p. 7, line 2, note.

10. **Otio fruor,** *I derive some advantage from my leisure.* He.

11. **Debebat,** sc. *frui.* On the use of the indicative, see C. 196; H. 476, 4; A. 264, b; Gr. 246, Rem. 2.

12. **Peperisset otium.** An allusion to his services in detect-

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92 ing and crushing the conspiracy of Catiline. **Eam—languere,** i. e. *me in ea solitudine languere.* He.

14. Quamquam Africanus—assequebatur, sc. because he was influenced solely by a love of learning, not by a thirst for fame or a desire to divert his mind in misfortune. He.

17. Munus, *gift.* Gr.; *fruits.* Garve.

18. Cogitando consequebatur, *to which he directed his thoughts.* He. Cf. p. 45, line 6, and note.

21. Tacita, the opposite of *litteris mandata.* Gr.

23. Plura brevi tempore. With the exception of the *De Oratore,* the *De Republica,* the *De Legibus,* and a few earlier rhetorical writings, the philosophical essays of Cicero were composed within the period in which he was excluded from public affairs in consequence of the supremacy of Caesar—between B. C. 46 and B. C. 43. See Introd., p. 137, and p. 8, line 9, and note. "It would be absurd, however, to suppose that the varied information required for such a task could have been brought together and distributed into a series of elaborate treatises in the course of eighteen months. It seems much more probable that the materials were gradually collected during a long course of reading and inquiry, and carefully digested by reflection and frequent discussion, so that when a convenient season had arrived, the design already traced out was completed in all its details." Dict. Biog.

Chap. II. 25. Frugifera denotes fruitfulness under the image of a corn-field; **fructuosa,** under that of a tree rich in fruit; **feracior,** the capability of fruitfulness which arises from the nature of the soil. It corresponds to *frugifer,* **uberior,** to *fructuosus.* D.

26. Sit. For the mood, see C. 214, 3, 2; H. 521, 2, 2), note 1; A. 326, *b*; G. 589; and Cf. p. 8, line 31, note.

28. A quibus, i. e. from the conception of duty. He. Cf. p. 60, line 1.

29. Cratippo. See p. 7, line 2, note.

30. Hujus memoriae, *of the present age.* Gr. Cf. p. 7, line 14 *et seqq.*; p. 62, line 30 *et seqq.*

31. Accipere is more than **audire.** The latter is properly said of *all* pupils, the former of the diligent. Zt.

32. Undique, only used to strengthen **circum.** Gr.

36. Nemini. See p. 18, line 22, note, and Z. 721.

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37. **Exspectationem**, sc. on the part of other men that you will emulate, etc. 93

39. **Onus**, etc., *obligation imposed by, etc.*, sc. by affording you such opportunities for improvement.

1. **Ad mercaturam—artium**, i. e. *ad mercandas bonas artes.* Zt. 94

5. **Discendi labor**, etc. He. repeats **labor** in the predicate. Others consider **discendi** used by attraction for *discere.* Bl. calls it the logical subject standing here in the genitive appositive. Z. 425; M. 286.

6. **Fac ut efficias.** See p. 39, line 8, note. **Quum omnia—nobis.** The young Cicero had complained to his father's freedman, Tiro, that he had received no money since the beginning of April; whereupon Cicero wrote to Atticus (*ad Att.* XV. 15): *Tibi pro tua natura semper placuisse teque existimasse id etiam ad dignitatem meam pertinere, eum non modo liberaliter a nobis sed etiam ornate cumulateque tractari. Quare velim cures—nec tibi essem molestus, si per alium hoc agere possem—ut permutetur Athenas, quod sit in annuum sumptum ei.* Cicero had set apart for his son the rent of the houses of Terentia, which amounted annually to 100,000 sesterces = $4,000. He.

11. **Panaetius.** See Introd., p. 214. **Sine controversia**, to be connected with **accuratissime.** Gr.

12. **Correctione quadam, etc.** See p. 10, lines 16–39.

15. **Consultare.** See p. 10, line 20, note.

21. **Deinceps.** See p. 21, line 23, note.

22. **Nec** is not only equivalent to *and not,* but often connects notions that have an adversative relation to each other, as here = *and yet not.* Arn.

23. **Posidonio.** See p. 59, line 6, note.

24. **Triginta annis.** The ablative to express duration of time is rare in the best writers, and here is used with reference to **post** in **posteaquam.** He. See M. 235, Obs. 3, and 270.

26. **Breviter esse tactum**, a pleonastic expression, such as is frequently found in Cicero. He. Cf. p. 31, line 17; p. 66, line 17. **In—commentariis.** In Cicero's letter to Atticus of Nov. 5th (XVI. 11), he writes that Posidonius had treated of this topic, which Panaetius had omitted, and adds: *Ego autem et ejus librum arcessivi et ad Athenodorum Calvum scripsi, ut ad me κεφάλαια mitteret, quae exspecto. In eo est περὶ τοῦ κατὰ περίστασιν*

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94 καθήκοντος. *Concerning our duty under circumstances.* Under that head must have been treated cases in which there was an apparent conflict between morality and utility.

29. **Praetermissum**, sc. through carelessness or accident.

30. **Relictum**, sc. *aiunt*, to be supplied from **negant**. Z. 774.

32. **De quo**, *With respect to this assertion*. Gr. **Adhibendum**, *ought to come into the inquiry*. He.

95 1. **Locuples**. See Lex. *s. v.* II. B, and cf. p. 124, line 1; p. 126, line 4. **Scribit** here takes the present infinitive as elsewhere *memini* does. Bl. Cf. p. 42, line 19, and note.

2. **P. Rutilium Rufum**. See p. 75, line 31, note.

3. **Nemo**, often used as an adjective with the names of persons. M. 91, Obs.; Z. 676.

4. **Coa Venere**. The most admired of all the pictures of Apelles (the most celebrated of Grecian painters) was the "Venus Anadyomene." It was painted for the temple of Aesculapius at Cos, and afterwards placed by Augustus in the temple which he dedicated to Julius Caesar. Apelles commenced another picture of Venus for the *Coans*, which he intended should surpass this one. At his death he had finished only the head, the upper part of the breast, and the outline of the figure; but Pliny says that it was more admired than the former finished picture. No one could be found to complete the work. Dict. Biog.

6. **Imitandi**, i. e. *ita pingendi, ut ori cetera responderent*. Zt.

7. **Et non perfecisset**, considered spurious by several of the critics, and bracketed as superfluous by Br., O., and He.

Chap. III. See Synopsis.

13. **Disputari**, used here to denote *a discussion* between persons of opposite views in which argument is weighed against argument. For the other shade of meaning, see p. 94, line 12.

14. **Ut Stoicis placet**. See p. 9, line 25, and Introd., p. 110.

16. **Vestris**, in allusion to the fact that Cratippus, the teacher of Cicero, was a Peripatetic. **Ex—collocata**, *placed together in one scale*. Cicero seems to have in mind Critolaus' comparison of the scales. See *Tusc. Disp.* V. 17: *Here I ask what they think of the balance of Critolaus, who, having put the goods of the mind into one scale and the goods of the body and other external advantages into the other, thought the goods of the mind so outweighed them as to outbalance even the earth and sea.*

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18. Contendere, *come into conflict with.* Gr. 95

19. Socratem, etc. Cf. *De Leg.* I. 12, and p. 63, line 6.

20. Opinione distraxissent, *had separated through a false conception.* **Opinione** is to be distinguished from *cogitatione, in theory.* He. Cf. p. 63, line 9; p. 38, line 11.

23. Is. See C. 116, 6, *c*; H. 451, 4; A. 102, *d*; G. 293.

24. Propterea, sc. *only.*

25. Utilitatis. The genitive is used with present participles of transitive verbs when they stand as pure adjectives. M. 289, a.

26. Expetendas = *optabiles.* **Voluptate**, i. e. by their ability to confer pleasure, as the standard of worth, as did Aristippus and his school. See p. 129, line 32 *et seqq.* **Indolentia**, *freedom from pain*, a word said to have been coined by Cicero as a translation of the Greek ἀναλγησία. The allusion here is to the doctrine of Hieronymus of Rhodes. Cf. *De Fin.* II. 6.

30. Specie quadam, *with a certain show*, ablat. of manner. Gr. The reference in this clause (**quae—utilitatis**) is to what the Stoics termed προηγμένα, *producta, things preferable to* others, not as absolutely good but as coming next to these, and to be chosen rather than what is absolutely bad.

35. Convenienter—vivere, i. e. in harmony with the laws of one's mental and moral constitution.

37. Cetera quae—essent, sc. such as health, wealth, honors, and external good of every kind. On the tense of **essent**, see C. 234, 1; H. 495, II.; A. 287, *e*; G. 511, Rem. 1.

38. Ita legere, si. See p. 16, line 26, note.

39. Putant quidam, sc. the Stoics. **Hanc comparationem**, i. e. between the *Honestum* and the *Utile.*

2. Atqui illud, etc. The connection of thought is: According to this idea of the *summum bonum* and *honestum*, a conflict between virtue and utility is impossible. Now, however, we have to do not with the perfect *honestum*, (κατόρθωμα, p. 10, line 11,) but with the *media officia.* But even here any such conflict is in like manner impossible. He. 96

3. Quod—dicitur, *in its proper signification*, i. e. in its philosophical sense. He. **Id.** See p. 48, line 14, note.

6. Nullo modo, sc. *esse potest.* See M. 478, and cf. p. 52, line 34. On the omission of the connective after this clause, see **Z. 781. Similitudines.** In the same sense Cicero uses the

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96 expressions *simulacra, significatio virtutis.* See p. 22, line 29, note.

7. The reason introduced by **enim** stands in the relative clause. He.

8. Media. On the meaning of this term, see p. 10, line 8, note.

9. Communia, sc. to all men. **Ingenii bonitate.** See p. 9, line 8, note.

10. Progressione discendi, for with the old philosophers virtue was an art which could be taught, and whose exercise depended on knowledge. Gr.

13. Omnes numeros habet, a literal rendering of πάντας ἔχων τοὺς ἀριθμούς, *having reached perfection.* The Romans have a similar use of *numerus* in such phrases as *omnibus numeris absolutus.* He.

16. Quid—perfecto, i. e., *how much it falls short of real perfection.*

17. Fere. See p. 27, line 18, note.

18. Nihil—praetermissum. They consider the difference so slight that it is not to be taken into consideration. He.

22. Idem, the reading of most MSS., which Br. and He. retain. O. has *quidem.*

23. Unaquaque. Z. 710; M. 89.

24. Desistunt facile sententia, *they readily abandon* their former *opinion.*

Chap. IV. 26. With **igitur,** Cicero returns to the thought in line 7 *et seqq.* See p. 41, line 23, note.

27. Secunda—honesta, *virtues of the second grade.* The expression is not strictly proper, for the *honestum* itself is the same, but is possessed by one in perfection but not by another. This Cicero himself perceived, and therefore uses the particle **quasi.** He. On the use of **quaedam,** see p. 58, line 24, note.

30. Virtutis indoles, the same as *similitudo honesti, inchoata virtus,* in contrast with *perfect* virtue. He. **Iis commoventur,** sc. *ad amorem,* i. e. they are looked upon by all men with admiration and love. Cf. the use of the word on p. 70, line 28 *et seqq.*, and *De Amicit.* IX. 1. **Nec vero.** Z. 808.

31. Decii. See p. 27, line 14, note.

32. Fabricius. See p. 20, line 13, note. **Aut Aristides,** bracketed by Br., O., and He. as spurious, on the ground that

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it is not likely that a Greek would be mentioned among examples taken from the Romans; that **justus nominatur** follows in the singular, and that while the MSS. read *ab his* before **justitiae**, the best MSS. of Lactantius, *Inst. Div.* VI. 6, have **ab hoc**. 96

34. Sapiente, the singular, to make prominent the fact that the ideal wise man of the Stoics is meant. Cf. *De Amicit.* V.

36. Cato, the censor; **Laelius.** See p. 92, line 2, note; p. 36, line 21, note. They received the title *Sapiens* in the old Roman sense of *prudent, discreet.* Cf. *De Sen.*, Ch. II.; *De Amicit.* II.

37. Ne illi—septem, sc. were regarded as *really wise* but only as *practically sagacious.* There was a difference of opinion among the ancients as to the names and even the number of *the sages* of Greece. Solon of Athens and Thales of Miletus were the most eminent.

38. Frequentia, *their almost constant practice of.* Cicero could not say *mediae virtutes.* He.

1. Vere, i. e. in the true or proper sense of the term as opposed to *secunda honesta.* Cf. p. 96, line 27, note. **Cum—repugnantia**, i. e. *cum utilitate, quae honesto repugnare videatur.* Cs. 97

2. Communiter, i. e. *omnes, philosophi cum indoctis communiter.* Zt. Cf. p. 10, line 11, **commune**, note.

4. Emolumentis, *the advantages* which an action brings us. Gr.

6. In nostram—cadit. This expression is also connected with the Stoic definition that virtue is knowledge. The virtue which we can understand, we are able to practise. He. Cf. p. 96, lines 10 and 13, and note.

8. Sapientibus, sc. *conservandum est.*

9. Teneri, *be persevered in*, like the expression *iter, cursum, fugam tenere.* He. The subject of this clause is attracted into the subordinate clause. **Si quae.** On the form, see C. 62, 6; H. 190, 1; A. 105, *d.*

10. Conservatione, *uniform practice.* Cf. p. 39, line 28; p. 49, line 35.

17. Hoc ipsum sensisse, etc., *meant exactly what he said*, i. e. his words are to be taken in their literal sense. Hn.

19. Sit, omitted in all but one of the MSS. He. substitutes *est*, and remarks that the sense requires not *videatur* but *est* to

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97 be supplied, for with the *apparent* utility the *real* honestum is contrasted.

20. **Addubitare**, i. e. *ad dubitationem accedere, to entertain only the least doubt.* He.

24. **Tempore**, *through existing circumstances.* Cf. p. 17, lines 10 and 18; p. 26, line 22, and note. In opposition to **plerumque**, the singular has reference to the occurrence of a particular case. Gr.

26. **Ponatur aliquid**, *let a particular case be supposed.* **Quod —latius**, i. e. which may be applied to the decision of similar cases. See p. 8, line 33, note, on the meaning of this expression.

33. **Honestas—secuta est.** The MSS. read *honestas utilitatem secuta est*, which would be a contradiction of the doctrine he is maintaining. Either some copyist accidentally interchanged the terminations of these two nouns or dropped out those which are here inserted in italics. **Utilitatem**, i. e. *speciem utilitatis.*

36. **Intelligimus . . . appellamus.** For the difference between the expressions, see line 19, note.

37. **Formula**, properly, a juridical term. The praetor furnished the *judex* with a *formula*, according to which the case was to be conducted and decided. See p. 110, line 25, note, and Dict. Antiqq., p. 12. See also Synopsis.

98 1. **Rationi disciplinaque**, *the method and system.* Cf. p. 9, line 33, note, and see p. 40, line 1, note; *Tusc. Disp.* I. 1: *Omnium artium . . . ratio et disciplina.*

3. **Veteribus Academicis**, i. e. the immediate followers of Plato, in distinction from the sceptical Middle and New Academy established by Arcesilaus and Carneades, called. in line 10, *nostra Academia.* He.

4. **Qui—Academici.** Aristotle, the founder of the Peripatetic sect, was a pupil of Plato. Cf. p. 7, line 17 *et seqq.;* and *De Leg.* I. 38, where Cicero speaks of the Peripatetics and the old Academics as *congruentes re, genere docendi paulum differentes.*

6. **Splendidius**, *with more dignity.* He.; *more nobly.* Garve; *magnificentius ad virtutis dignitatem.* Beier. Cf. p. 27, line 3; p. 99, line 23; p. 124, line 31; *Tusc. Disp.* III. 10. The idea of brightness always belongs to *splendidius*, but the lustre of truth is here meant. Bl.

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7. **Quicquid honestum est**, etc., the formula quaedam. 98

10. **Nostra Academia**, sc. the New Academy. See Introd., p. 140, and p. 9, line 25 *et seqq.*

11. **Licentiam dat, ut liceat**, a Pleonasm. See p. 39, line 8, note. Cf. p. 10, line 12, and note; p. 103, line 18. **Quodcumque —occurrat.** Cf. p. 62, line 19 *et seqq.*; p. 102, line 6; *Tusc. Disp.* V. 11.

Chap. V. 14. Alteri. See p. 67, line 6, note.

18. **Principio.** Cf. p. 11, line 1, note. The *first* argument is: Human society would be destroyed, if we injure others for the sake of our own advantage; therefore this is forbidden us by natural right (line 19 *et seqq.*) and by the laws of States (line 35 *et seqq.*). The *second* argument is: To practise virtue and to encounter perils for the sake of others is more conformable to the supreme and universal reason than to seek to do wrong for some outward advantage (p. 99, line 2 *et seqq.*). The *third* argument is: A law of nature embraces all men, and this forbids us to injure others (p. 100, line 1 *et seqq.*). This arrangement, however, is faulty; for human society depends upon the universality of natural right, and is destroyed by the transgression of it. The first argument is, therefore, contained in the third, and Cicero presents in the first part of Chap. V. what is essentially the same as the first part of Chap. VI. He.

20. **Affecti**, *disposed.*

33. **Unumquodque membrum.** Cicero seems to have reference to the fable of Menenius Agrippa.

25. **Debilitari—(29) evertatur.** M. 373, Obs. 1; Z. 625.

28. **Cuique.** Z. 710; M. 495, and Obs. 1.

29. **Necesse est.** For the mood, see C. 215, 3, note 3; H. 511, 1; A. 307, *d*; G. 599, Rem. 3.

32. **Natura**, explained by line 34; the sense of equity innate in man that forms the foundation of natural right—the *jus naturale* in opposition to the *jus civile, the whole body of law peculiar to any State.* This *jus naturale, the law of nature,* and the *jus gentium* are identical.

34. **Jure gentium**, *the law of nations.* See Dict. Antiqq. Cf. p. 113, lines 13–23; *Tusc. Disp.* I. 13: *Omni autem in re consensio omnium gentium lex naturae putanda est.* The *jus gentium* comprehends the principles which natural reason has established, and which are generally acknowledged and acted

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98 upon by all bodies of men who have attained to political organization. Such are the plain rules of honesty and equity, the importance of truth, the expediency and necessity of adhering to treaties and compacts deliberately concluded. Ramsay, Rom. Antiqq. For the origin of the *jus gentium* as a part of the Roman jurisprudence, see Dict. Antiqq., p. 656.

35. **Legibus populorum,** *the laws peculiar to individual States.*

36. **Continetur,** *is preserved.* Gr.

37. **Sui.** Cf. p. 85, line 29 *et seqq.*

99 1. **Damno,** *a fine.*

2. **Hoc,** sc. *non licere hominem hominis incommodo suum augere commodum.* The second main argument is divided again into three parts, which are introduced by **Etenim, Itemque,** and **Deinde,** respectively. He. **Efficit.** See p. 59, line 13, note. **Naturae ratio,** i. e. the universal reason pervading the universe—the supreme law in the State of gods and men. Cf. p. 57, line 10; *De Leg.* I. 6; *De Nat. Deor.* II. 31.

5. **Committet.** See p. 33, line 18, note.

6. **Etenim, etc.** From the universal reason he argues to the rational nature of man as its copy. *Nature,* in the highest precept of the Stoics,—*Live according to nature,*—signifies, on the one hand, the universal law of the world, and on the other, the rational nature of man. He.

8. **Comitas,** the MS. reading. Some editors read *communitas.* But **comitas, justitia, liberalitas** are the virtues which together make up the cardinal virtue *communitas.* He. Cf. p. 56, line 32; p. 130, line 32.

10. **Comparantem** agrees with the indefinite subject of the infinitives **contemnere** and **ducere.** See Z. 608, and cf. line 17; p. 82, line 13; p. 83, line 20.

11. **Detrahere, etc.,** bracketed by Br., O., and He. This is the very proposition which must be proved, and it would be an unaccountable forgetfulness for Cicero to bring forward as an argument that which he is seeking to prove. Here, moreover, the statement does not suit the connection. It seems to be only a repetition of the first sentence of the chapter. He.

19. **In solitudine,** i. e. separated from intercourse with others; the opposite of **convictus hominum et societas.**

21. **Ut excellas,** a concessive clause. For the person, see p. 23, line 8, note. **Pulchritudine et viribus,** according to the

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teaching of Zeno, had a value in themselves, and therefore even 99
in solitude. Bl.

23. Ingenio. See p. 58, line 32, note.

30. Cuiquam. See M. 494, **b.**

31. Violandis = *violatione hominum.* Hn. Cf. p. 9, line 2, and see note.

32. Hominem—tollat, *would take away from man all that makes him man.* Gr.

35. Fortunae. Cf. p. 98, line 18. **Vitium,** *defect,* used for the sake of the contrast to **vitiis animi.** He.

Chap. VI. 37. Unum has the same strengthening force here which it often has with the superlative. Cf. p. 100, line 25; *Tusc. Disp.* I. 12: *Itaque unum illud erat insitum priscis illis.* M. 310, Obs. 2.

38. Ut sit. Cf. p. 100, line 2 *et seqq.*

39. Quam ad se rapiet, i. e. shall grasp at his individual interest exclusively.

4. Omnium—communem, *that all men have a common interest,* 100
i. e. that the welfare of all is the welfare of each individual. Gr.; that we consider the welfare of men generally as something necessary to our own happiness. Garve.

5. Continemur, *are included in, subject to.*

8. Primum, *the antecedent,* sc. **omnium util. esse com.**; **extremum,** *the consequent,* sc. **violare—prohibemur.** For the use of **nam,** cf. p. 75, line 32, note.

11. Aliam rationem, etc., *that it is a different consideration with.* Hn.; i. e. that they are not bound to treat in the same way.

12. Communis is the emphatic word. Gr.

18. Quae refers to all that precedes, including *communem societatem.* He.

23. Incommoda. Cf. p. 90, line 30. With **animi,** it means not *vitia,* but *care, grief,* and other mental troubles, which, so far as they do not spring from a violation of right, must be borne for the sake of the general good. Gr.

24. Quae vacent justitia, the reading of all but one of the MSS., and adopted by Br. and He.; explained by Stuerenburg to mean *which have been brought upon you unjustly, which you do not suffer deservedly.* Many editors have substituted *injustitia.* But it is incredible that Cicero should after that word have

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100 proceeded with **Haec una virtus**. Moreover, it is grammatically impossible that **Haec virtus** should refer to the idea *vacatio injustitiae* implied in **quae—injustitia**, nor can *vacatio injustitiae* be properly called *the queen of all the virtues*. The conjecture of Lambinus is, therefore, probably correct, that the same thought which is found on p. 99, lines 14–22, originally stood here. He.

26. For the tense of **dixerit**, see p. 71, line 21, note.

29. Minime, vero, etc., bracketed by Br., O., and He. The reply to the question which precedes, as well as to that which follows, *begins* with line 34. Besides, this reply, **Minime vero, etc.**, contradicts what follows, for Cicero would here forbid unconditionally what he explains further on (line 37 *et seqq.*) as lawful when the common welfare requires it. He.

30. Animi talis affectio, *such a disposition*, sc. to injure no one; the disposition according to which he will not take from any one for the sake of his own advantage. Garve.

31. Philarim. See p. 68, line 18, note.

35. Ad nullam partem, *in no respect*. Cf. line 28.

36. Notice the construction with **detraxeris** here, and cf. p. 99, line 12; p. 101, lines 3, 12, where **de** is used, and p. 100, lines 10, 22, where the dative is found. See Z. 468; M. 262. **Inhumane**, not *cruelly*, but *basely, meanly*. Hn. **Feceris.** Z. 511; M. 340, Obs. 4.

39. Ob eam causam, sc. *ut in vita remanens hominum societati utilitatem afferre possis*. He.

101 **4. Non igitur, etc.**, i. e. It ought not to be inferred from this, that, etc., (though one might naturally conclude so from what has just been stated.) Gr.

5. Quid. See p. 17, line 37, note.

11. Qui—detraxerit, i. e. because his death would be a great disaster to the community; a causal clause.

13. De se—diligens, *through self-conceit and self-love*. The latter phrase shows that the former signifies *cherishing too high an opinion of one's self*. He. Cf. p. 16, line 38.

14. Hanc causam, etc., i. e. make these (sc. *hanc existimationem et hunc amorem*) the occasion of inflicting injury upon others. Gr. **Ita**, i. e. with such a disposition—free from selfishness, and obedient to the law of nature. Cs.

18. Nulla est, etc. Here, also, is a covert allusion to the death

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of Caesar. Cf. p. 67, line 18; p. 97, line 29. **Et potius.** See p. 29, line 26, note. 101

19. Distractio, *antagonism.* See Lex. *s. v.* II.

22. Exterminandum. See p. 87, line 39, note.

23. Ipsa, (i. e. *in suam perniciem,*) antithetic to **reliquis partibus.**

26. Immanitas, the opposite of **humanitatis.** Cf. p. 117, line 32. He. **Communi—corpore.** The whole mass of mankind is viewed as one person, whose soul is *humanitas*, the abstract of men's virtues, and whose body is composed of individual men. He. Garve regards it as equivalent to *society*, and Gr., as = **hominum communitate,** line 21.

28. Ex tempore officium, a translation of the phrase τὸ κατὰ περίστασιν καθῆκον, *duty according to circumstances.* See p. 97, line 24, note.

Chap. VII. 31. Aliqui. See p. 44, line 26, note.

32. Consultationes, i. e. *quaestiones, etc.* See line 27.

33. Superioribus libris—ex quibus. The reading of the MSS. *ex superioribus—quibus* is retained by O. and He., as well as by most other editors, who refer to p. 12, lines 29–31: **ex ea parte . . . inest,** for a similar instance of a want of exactness in expression, and give to **sunt** the meaning of *exstant.* Bl. considers it an enallage, by which the **ex,** which properly belongs to **quibus,** is connected with **superioribus libris.** Beier thus paraphrases: *ex superioribus Panaetii libris deprompta satis multa a nobis praecepta sunt.* Br. prefers to adopt the conjecture of Pearce which is given in the text, and which avoids the difficulty. **Libris,** sc. *Panaetii.* **Praecepta, etc.,** i. e. in those books are unfolded the principles adequate to decide in all cases of apparent collision. Bl.

38. Geometrae, *mathematicians.* Cf. *Tusc. Disp.* I. 2.

4. Per Cratippum, sc. because he was one of the Peripatetic 102 School, whose doctrine was that virtue should be sought *chiefly*, but not solely, for its own sake.

6. Tum . . . tum. See p. 58, line 35, note. Cf. *De Amicit.*, Ch. IV. **Hoc,** sc. the Peripatetic doctrine; **illud,** the Stoic. Zt. See Introd., p. 140. On the order of these pronouns, see p. 31, line 27, note, and cf. p. 18, line 28, and note. **Probabilius.** See p. 62, line 11, and note.

7. Nec praeterea—probabile. This refers to systems like the

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102 Epicurean, which taught that virtue was to be practised for the sake of utility only. He. **Ac primum.** Cicero has already defended Panaetius against this reproach. See p. 97, line 15 *et seqq.*

9. Utilia, *the real utility,* in contrast to **quae viderentur.** Gr.

10. Neque—erat, sc. because he belonged to the Stoic sect, who held that virtue was not only the highest, but also the only good.

11. Vero. M. 437, d. **Idem.** See p. 13, line 24, note.

15. Aliquando. See p. 92, line 20, note.

16. Eam, sc. **repugnantiam,** which is designedly placed at the end. So Br. and He., following Unger. The MSS. have *ea—incidissent,* which O. retains. But *ea dijudicaremus* could only mean distinguishing in opinion between utility and morality. He.

17. Induxit, *has introduced* in his philosophical discussion. He. **Eam—repugnantiam,** i. e. *apparent, not real collision* between virtue and utility. Gr.

20. Marte nostro, i. e. without foreign aid, as of an ally in war. See Lex.

21. Quod—probaretur, *at least of such a kind that I could approve of it.* M. 364, Obs. 2.

22. De iis = *ex iis.*

Chap. VIII. The main discussion of the Book begins here. Yet it has been anticipated in the preceding chapters, which are in form introductory, and the rest of the Book is chiefly occupied with repetitions and illustrations of the sentiments already expressed. He.

25. Commoveri. The object must necessarily make an impression upon us; but whether we yield to it or not depends upon ourselves. He. The subject is indefinite, and therefore omitted. See p. 93, line 9, note. In the next clause the second person is used for the same reason.

27. Tum non utilitas, etc., i. e. then it ought not to be considered that utility must be given up.

29. Quod si nihil est, etc. Cicero's argument is this: There cannot be any inconsistency in nature. But nature teaches all men to regard what is expedient, to shun what is morally wrong. Therefore, if the desire of expediency and moral good is a natural desire, these must be naturally inseparable; at all

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events, it is absurd to suppose that expediency and moral wrong can be found in the same thing. Hn. 102

30. **Contra naturam.** See p. 13, line 31, note. **Convenientia,** accordant with man's rational nature; **constantia,** consistent with themselves. He.

34. **Itemque, etc.** The second syllogism, which differs but little from the first. In both something that remains to be proved is supposed as the foundation of the proof. He.

35. **Zenoni,** of Citium in Cyprus, the founder of the Stoic School, in the third cent. B. C.

36. **Omni pondere gravior, etc.,** *infinitely more weighty, more important.*

37. **Aristoteli,** b. B. C. 384, d. B. C. 322, the founder and representative of the Peripatetic School. **Necesse est, etc.** Cf. p. 63, line 9 *et seqq.*

39. **Ita,** here = *itaque, consequently.* Arn.

1. **Error hominum,** i. e. *homines errantes,* the abstract put for 103
the concrete. Cf. p. 40, line 5, and note.

2. **Aliquid—arripuit, etc.,** i. e. eagerly grasp at whatever seems useful, and think it should be sought for its own sake, although it is not virtuous, or without regard to virtue and uprightness. Zt.

6. **Opum** and **potentiae** limit **cupiditates.** With **regnandi** these genitives form a climax. Instances of these passions in Roman history were exhibited by the provincial governors, and the demagogues Sulla and Caesar. Gr. Zt. and all the earlier editors consider **potentiae** nominative plural, and **opum,** as depending upon it.

10. **Fallacibus judiciis,** *with mistaken judgments.* He.; i. e. they estimate incorrectly.

11. **Quam perrumpunt.** The punishment is likened to a fetter or chain. He. **Ipsius turpitudinis—est.** It is a maxim often stated by the Stoics, that just as virtue of itself makes blessed, so the punishment of the evil man lies directly in his inward constitution; and in comparison with this, punishment inflicted from without is slight. He.

13. **Deliberantium . . . qui deliberant,** a repetition made necessary by the parenthesis. Cf. p. 98, line 11, and note. **E medio,** *from the society of men.*

17. **Ad id,** i. e. *facinus committendum.*

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103 20. **Celandi** has an abstract or intellectual reference to its object, and denotes what remains secret unless it happens to be discovered; **occultandi** has a concrete and material reference to its object, and denotes what would be exposed to sight unless particular circumspection and precaution were used. D.

21. **Aliquid profecimus**, i. e. have made some real progress.

24. **Incontinenter,** *without moderation; with excess.* Garve.

Chap. IX. 25. **Hinc** = *Hac ex causa, To prove this.* **Gyges**, the Lydian shepherd, who, according to Herodotus, (I. 8–12,) murdered Candaules, king of Lydia, became the founder of the dynasty of the Mermnadae, and reigned from B. C. 716 to 678. This story of the ring, which is not found in Herodotus, agrees substantially with that given in Plato, *De Repub.* II., p. 359, and serves, as there, the purpose of moral allegory.

27. **Illum,** sc. which the earth parting asunder had made. Gr.

29. **Essent.** Z. 558; p. 17, line 7, **dubites**, note.

30. **Magnitudine invisitata,** *never before seen, unusual, vast.* The Greek is μείζων ἢ κατ' ανθρωπον. The MSS. vary between *invisitata* and *inusitata.* Br., O., and He. prefer the former.

33. **Palam,** *the bezel,* that part which encompasses and fastens the stone; in the Greek, τὴν σφενδόνην, because the stone rested in it as in a *sling.*

35. **In locum,** *into its proper place.*

104 2. **Plus,** properly, relates to quantity, and corresponds to the comparative of *much;* while *magis* refers to degree, and corresponds to the comparative of *very.* With verbs, *plus* is used as an adverb, as well as *magis,* and frequently supplies the place of the latter; otherwise, rarely. Z. 725; M. 305, c, Obs. 2.

3. **Peccare—haberet,** considered by Madvig an interpolation; but Ambrosius, *De Off.*, has *non minus fugiet peccatorum contagium quam si non possit latere.* With **quam** must be supplied *sibi putaret licere,* as the apodosis of *si non haberet.* The imperfect is used in this clause because the first case excludes the second, and the first has the subjunct. present. He. **Bonis viris.** The dative of the agent after passive verbs is a very rare construction in Cicero with the simple tenses.

4. **Philosophi quidam,** sc. the Epicureans. According to Epicurus, right was not *by nature,* but *by law.* For obedience to it, therefore, he could only appeal to interest or the fear of punishment. He.

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5. Minime mali, etc. See p. 26, line 35, note. 104

7. Quasi vero . . . defendat, *as if forsooth he affirmed.* **Quasi vero** is often used, as here, in an ironical sense when, in derision or to correct an erroneous supposition, we state what is *not* the case. M. 444, **a**, Obs. 1; Z. 572.

8. Vis, *meaning.*

11. Feceris. Fut. perf. indic. Zt.; perf. subjunct. Gr. **Si id,** etc. For the omission of *et* before this clause, see Z. 784.

13. Id fieri posse, i. e. *semper ignotum futurum.* **Nequaquam.** Cicero avows a belief in the providence and the care of the gods for human affairs, and in the omniscience of God invariably, where he states his own views. See *De Nat. Deor.* I. 2, 3; *De Leg.* I. 7, 21; *De Fin.* I. 16, 51. The emendation of Manutius, **Nequaquam** for the MS. reading *Quamquam*, is the more probable, since Cicero had here no reason for deviating from his own opinion. Besides, the antithesis **sed quaero—si posset** requires that a negative clause like **Nequaquam potest** should precede. He. **Nequaquam** is also adopted by Br. and O.

15. Urguent, *they remain obstinate in their declaration; they hold to their denial.* Zt. **Rustice,** the opposite of *acute*, *stupidly, unlearnedly*—like clowns, not like philosophers; *parum quidem erudite.* Zt.

16. Hoc—valeat, *what is the force of this expression*, sc. **id si posset.** Arn.

19. Tamquam tormenta—adhibemus, i. e. we put to them a painful test-question to extort a confession of their real sentiments.

20. Quod expediat, sc. *sibi ad divitias, potentiam, etc.*, i. e. everything that brings advantage, even if it does not accord with virtue. Cicero purposely avoids the expression *utile sit.* He.

Chap. X. 24. Multae saepe, a pleonasm. Cf. p. 31, line 17; p. 23, line 21; p. 57, line 38. Such instances are frequent.

26. Relinquenda. Cf. p. 102, line 27, and note.

27. Improbum est. For the mood, see p. 16, line 25, note.

29. Collatino. L. Tarquinius Collatinus, the grandson of Aruns brother of Tarquinius Priscus, the husband of Lucretia, and, on the dethronement of Tarquinius Superbus, elected, with **L. Junius Brutus,** to the office of consul. Livy, II. 2, relates

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104 more accurately that Collatinus had himself resigned his office. He.

30. Regibus, *the royal family* of Tarquin.

33. Cognationem, *kindred, relatives.*

35. Patriae consulere, in opposition to **quod—utile, id.**

39. Pepulit = *impulit.*

105 **1. Solum**, sc. *se.*

2. Pietatem, *brotherly love.*

4. Muri. Genitive epexegetical or appositive. It is logically the object, while **causam** is the predicate. **Causam opposuit**, sc. *crimini. He opposed to his accusers* (i. e. alleged in his defence) *the excuse of the wall.* An allusion to the well-known story of Romulus killing his brother Remus for leaping over the newly-built wall of Rome in derision. Hn.

6. Pace, ablative of manner. M. 258, Obs. 5. **Quirini**, the name under which Romulus was deified; so that the whole clause is expressive of the sceptical spirit of the times. Gr. **Dixerim.** For the tense, see p. 31, line 30; p. 71, line 21, and notes.

9. Quod—fiat, a relative, restrictive clause. See p. 102, line 21, note.

10. Chrysippus, b. at Soli in Cilicia B. C. 280, d. B. C. 207, the successor of Cleanthes as the head of the Stoic School. **Stadium.** An imitation of a Greek idiom. In place of a substantive (in the accusative) of kindred origin or meaning with the verb, *an attribute* of such a substantive can be used. Kühner's larger Gram., 278, 2.

11. Quam maxume. Z. 108; M. 310, Obs. 3.

15. Perturbantur officia, i. e. *men's ideas of duty are perplexed.* Gr.; the proper limits of duty and of what is unlawful are transgressed by friendships. Garve. Cf. *De Amicit.* Ch. XI.

24. Ponit, *lays aside* = *deponit.* **Personam.** See p. 38, line 30, note.

26. Veram = *justam.* **Orandae litis**, *for pleading his cause.*

27. Tempus. According to the *lex Pompeia judicaria*, (B. C. 55,) the accuser in a criminal case was allowed to speak two hours, and the accused three hours. Yet the judge could extend the time or postpone the case to a later day. In civil suits, a limitation of the time was first introduced at a later period.

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He. See Art. *Horologium.* Dict. Antiqq. **Accommodet,** sc. *amico.* 105

28. Jurato, *after having taken oath.*

29. Adhibere testem, *calls to witness.* **Id est . . . mentem suam,** *his conscience,* which must influence him to do right more than the fear of punishment by the deity. Cf. *Mens cujusque, is est quisque: deum te igitur scito esse. Somn. Scip.* VIII. The human soul, however, according to the doctrine of the Stoics, is a part of, or an emanation from, the world-soul; and because it possesses reason, has a special relationship to the Divine Being, who is the soul of the world. The world is the sum of all real existence, and all real existence is originally contained in God, who is at once universal matter and the creative force which fashions matter into the particular materials of which things are made. Zeller.

32. Rogandi judicis, sc. to deal favorably. **Si eum teneremus,** *if only we observed it* (sc. this custom) in reality, not merely in word. Gr. **Quae—possit.** See line 9, note. **Salva fide,** *without violating his conscience* or *his fidelity to his office.* Gr. As **possit** stands in the formula in the present subjunctive, it must remain so, even when dependent on **accepimus.** He.

36. Tales, *such things* or *connections.* A demonstrative or relative pronoun, first put indefinitely as a subject or object, and then connected with a substantive by *sum,* or a verb of *esteeming,* or *naming* takes the gender and number of that substantive. M. 313.

37. Communibus, i. e. those of common life, in distinction from those of the wise. Cf. *De Amicit.* XXI. **In sapientibus.** Among wise men, it is impossible that one should desire his friend to do what is wrong; therefore it is a maxim among such, that one should do whatever his friend desires. Cf. *De Amicit.* XI.

1. Alteri, sc. Damon, as a punishment for a plot against **Dionysius I.** of Syracuse. Other writers call the two friends Euphantos and Eukritus, others again Moirus and Seluntius. The story is told also of the younger Dionysius and of Phalaris. See p. 68, lines 3 and 18, notes, and cf. *Tusc. Disp.* V. 22. 106

3. Commendandorum, sc. to the protection and care of friends, after the custom of those about to die. He.

4. Vas . . . sistendi, legal terms, *became surety for his appearance* in court.

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106 8. **Igitur**, introduces a repetition of the thought on p. 105, line 19 *et seqq.*

9. **Jaceat**, *let be disregarded*, like a field left uncultivated. Gr.

11. **Religio.** See p. 77, line 12, note.

12. **Anteponatur.** For the number, see p. 33, line 23, note.

13. **Delectus.** Cf. p. 22, line 20, and note.

Chap. XI. 14. **Specie.** Ablat. of cause.

15. **Ut—nostri**, sc. *peccarunt;* an instance of syllepsis. Bl. See M. 478, Obs. 2, foot-note. **Corinthi disturbatione.** Cf. p. 18, line 36 *et seqq.*

16. **Aeginetis—praeciderentur.** The decree must have been passed either at the subjection of Aegina (B. C. 456) or at the expulsion of the Aeginetans (B. C. 431); but neither Thucydides nor Diodorus mention any such decree. There is sufficient reason, therefore, for doubting the truth of this statement. He. The island of Aegina was about 100 stadia distant from Attica, and nearly in the centre of the Saronic gulf.

21. **Male etiam**, sc. *faciunt.*

22. **Urbibus uti**, sc. as places of permanent residence and business. Cf. p. 47, line 39. For the mood of **uti**, see p. 62, line 22, note, and Z. 544; M. 375, *a*, Obs. 2.

23. M. Junius **Pennus.** Tribune of the Plebs, B. C. 126, in which year he proposed the law referred to here for expelling all foreigners from Rome. C. **Papius**, tribune of the Plebs, B. C. 65, revived the law of Pennus, and added certain provisions for the punishment of those who had assumed the Roman franchise without having any claim to it.

24. **Esse pro cive**, *to exercise the rights of a citizen*, i. e. the *jus civitatis* and *suffragii*, eligibility to office and the right of inheriting property. The expression is borrowed from the statute. He.

25. **Quam legem**, i. e. *de qua re legem.* See p. 8, line 39, note. This law, entitled *lex Licinia Mucia de civibus redigundis*, enacted a strict examination as to the title to citizenship, and deprived of the exercise of civil rights all those who could not make out a good title to them. Dict. Antiqq. **Crassus et Scaevola**, consuls B. C. 95. They were colleagues in every office except the censorship. See p. 42, line 8, and p. 44, line 37, and notes, for accounts of them.

27. **Illa**, sc. *well-known examples, cases.* M. 485, **b**; Z. 701.

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29. Saepe, sc. *alias,* which is commonly omitted in this connection. He. 106

30. Quae—habuit, etc. After the terrible disaster at Cannae, in which 70,000 men out of the army of 76,000—the flower of the officers and soldiers—perished, the consul Varro received the thanks of the senators for not having despaired of his country. The Senate took the lead in every movement, and restored to the citizens confidence in themselves and in the future. Mom., Vol. II.

34. Quum—sustinere, in the second Persian invasion under Xerxes, B. C. 480.

36. Troezene, a city in Argolis, fifteen stadia from the coast on the south side of the Saronic gulf. With but few exceptions, the whole population left the country. The greater number of women, children, and infirm were conveyed to this city; others to Salamis and Aegina.

37. Conscenderent. For the mood, see M. 389, Obs. 1; Z. 614. The infinitive more frequently follows *statuo.*

1. Atqui, preferred by Br. and He., though the MS. reading 107
atque is preferred by other editors.

3. Ejus belli, sc. the battle of Salamis.

5. Id—esse, *that it was not expedient that it should be generally known.* Cf. p. 129, line 26; *De Amicit.* XIV. 51. In an affirmative sentence, *opus est* has frequently this meaning. He. An instance of litotes. See C. 305; H. 637, VIII.; A. p. 299; G. 448, Rem. 2.

8. Subducta esset. See Lex. *s. v.* I. B. **Gytheum,** near the head of the Laconian gulf S. W. of the mouth of the Eurotas, the chief maritime town in Laconia and the ordinary station of the Spartan ships of war.

11. Magna exspectatione, sc. *civium,* ablat. absolute, which often denotes the state or condition under which a thing is done or takes place, or implies a description. Z. 472, note 1.

17. Piratas immunes, *free from tribute,* and even restraint. During the civil war pirates had become numerous and powerful, and Caesar had no naval force adequate to the work of overthrowing them. **Socios,** sc. those which had espoused the cause of Pompey, as Massilia (see p. 69, line 12, and note,) and Deiotarus, king of Armenia.

Chap. XII. See Synopsis.

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107 18. **Maneat**, i. e. *pro certo habeatur.* Bl.

20. **Putare**, used as a noun, and in apposition with **hoc ipsum.** M. 388; Z. 598.

22. **Causae, quum videatur**, *cases where it may seem.* **Videatur** is subjunctive potential. He.

25. **Alexandrea Rhodum.** These places were selected because they were the chief centres for the corn trade—the one for Egypt, granary of Italy and Greece, the other for Asia Minor. He.

26. **Numerum**, *quantity*, is often used of things which are counted. Cf. *Phil.* II. 27: *Maximus vini numerus; Pro Planc.* 26: *Frumenti maximum numerum.*

29. **Solvisse**, sc. *naves, had set sail.*

31. **Silentio.** See p. 68, line 36, note. **Sapientem**, here, not the wise man in the strict philosophical sense, but the virtuous man, *vir bonus.* He. Cf. p. 96, line 36, note.

34. **Dubitet—sit**, i. e. inclines to the opinion that it is *not base.* See C. 258, 15; H. 529, 3, note 2; A. 210, *f*, Rem.; G. 459, Rem. Cf. p. 18, line 22, and note.

35. **Diogeni**, a native of Seleucia in Babylonia, a pupil of Chrysippus at Athens, and afterwards at the head of the Stoic School at Athens. He was one of the three philosophers sent by the Athenians as an embassy to Rome, B. C. 155.

36. **Antipatro**, of Tarsus, a Stoic philosopher, the successor of Diogenes and the teacher of Panaetius. For others of this name, see p. 90, line 5, note.

108 1. **Jure civili**, i. e. *lege et judiciis.* Cf. p. 24, line 11, note; p. 98, lines 32–35, and notes; p. 110, line 37.

3. **Quam optume** = *quam plurimi.* **Exposui**, *I have unloaded, unpacked.*

4. **Quum major est copia**, sc. *mei frumenti, quam ceterorum,* so that I am obliged to reduce the price in order to dispose of my stock readily. Gernhard, Zt., Cs., and He.; *when the market is overstocked.* Heusinger, Beier, Gr. That it is susceptible of this latter meaning He. also admits.

6. **Ratio** = *argumentatio.* Cf. p. 40, line 1, note; p. 125, line 20.

8. **Ea—ut**, *such that.* **Principia naturae**, *natural characteristics.* He.; *innate principles.* Garve; with **ea habeas**, *such principles have been given you by nature.* Zt. The *principia naturae*

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are enumerated in Bk. I., Chap. IV. Cf. p. 11, line 18 *et seqq.*; 108
p. 56, line 34 *et seqq.*

9. **Ut utilitas, etc.** That nothing can be useful or injurious to each member which is not also to the whole body, is a proposition often asserted by the Stoics. He.

11. **Adsit,** *is at hand.*

14. **Finis bonorum,** *the highest good.* See Introd., p. 139.

15. **Prodessent,** sc. *si scires, sed nescis.* Gr. **Vilitas,** sc. *cognita.*

16. **Mihi.** The dative instead of the more usual accusative, because of the antithetic clause **tibi audire utile est.** He. M. 373, Obs. 1. But see Z. 601.

17. **Immo—necesse est** is wanting in the best MSS. It is therefore doubtful whether Cicero wrote **inquiet ille** here also. Perhaps **necesse est** only was omitted. He.

20. **Suum cujusque,** *private property,* a common phrase, and therefore connected with a negative where *quisquam* might otherwise be expected. He.

Chap. XIII. 24. Expedire depends upon **dici,** so that there is a change here from the *oratio recta* to the *obliqua.* He. **Ita ut,** i. e. *that it is expedient without being, etc.* He.

25. **Ea re** = *ideo.*

26. **Vendat,** i. e. *Fac eum vendere, Suppose him to sell.* Hn. M. 352; C. 204, 1; H. 514; A. 266, *c*; G. 257.

28. **Ignoretur—serpentes.** Br. doubts the genuineness of this clause, and, if admitted at all, would insert it after **nemo sciat.** Other editors insert *sint* after **materiatae.**

29. **Materiatae,** *built of bad timber.*

33. **Ille vero,** *Yes, he would.*

34. **Quid est enim aliud, etc.** In English, the order of the clauses is reversed. **Erranti monstrare.** Cf. p. 24, line 17.

35. **Exsecrationibus publicis,** sc. those which were uttered, in accordance with law in an assembly of the people by a herald, sometimes by the priests. Zt. **Sanctum est.** See Lex. *s. v.* II., and cf. p. 113, line 15.

36. **Ruere,** *to act hastily.*

37. **Fraudem.** See Lex. II. C. 2.

38. **Scientem,** agrees with the subject of the infinitive.

3. **Villam—aedificatam,** sc. *vendo,* which was generally omitted in such advertisements or announcements. He. 109

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109 **4. Ratione** = *recte.*

5. Ubi—emptoris est. Here also Diogenes adheres to the letter of the law. It was a principle of Roman law, that there could be no cheating where the buyer had the opportunity of judging for himself.

7. Dictum non omne, i. e., *not every word* which is said in praise of an article for sale. **Praestandum est,** *is to be made good;* so used in purchases, etc., of that for which one is responsible. Cf. p. 112, lines 4 and 37.

12. Ex altera parte, sc. by Antipater.

17. Dissensio, *conflict.* **Quae** = *sed ea.* **Est.** So Br., following Unger. Cf. p. 102, line 16, note. O. and He. adopt the MS. reading *sunt.* **Non ut quaereremus,** i. e. *ut inanem quaestionem institueremus.*

18. Exposuimus, in distinction from **explicaremus,** = *proponere, to set forth.* He.

21. Id est—reticeas, an attraction for *celare est reticere aliquid, quicquid id est.* He. **Sed quum,** i. e. *sed id est celare quum.* Gr.

25. Aperti, *transparent;* **simplicis,** *guileless;* **ingenui,** *frank.*

26. Versuti . . . callidi. See p. 63, line 13, note; **obscuri,** *secretive;* **astuti,** *artful,* properly denotes acuteness in the invention and execution of a secret project; **vafri** denotes adroitness in introducing tricks, particularly in judicial affairs. D.

28. Inutile = *damnosum,* a case of litotes. Zt. Cf. p. 107, line 5, note. By this expression Cicero does not mean to make the *Utile* the highest principle of decision, but only to show that the *inhonestum* is also *inutile.* He. **Subire,** *to subject one's self to.*

Chap. XIV. 30. Vanitatem, *falsehood.* Cf. p. 56, line 3.

31. Nec infacetus, *not without wit.*

32. Satis = *mediocriter.* Zt.

34. Hortulos, *pleasure-gardens, country-seat,* i. e. *villam,* in which sense it was the usual expression in the Twelve Tables. He. See M. 52, Obs.; Z. 96.

35. Interpellatoribus, *troublesome visitors.* He.

37. Argentariam, sc. *artem,* **faceret,** *carried on the business of a banker.* The business of the *Argentarii* was very varied, but consisted chiefly in the exchange of foreign coin for Roman coin, the receiving of money on deposit either with or without

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interest, loaning money on interest, and buying and selling 109 property of various kinds on commission. Dict. Antiqq. **Qui faceret** is a causal clause, *because he was a banker*, of whom one might therefore expect such a trick. He. Others regard it as a clause of result after *talis* understood.

38. Uti, sc. *illis*.

1. Promisisset, sc. *se venturum*, *accepted the invitation*. He. 110

2. The clause **Qui esset—gratiosus** is inserted as an explanation of the facility with which he carried out his plan. Gr. **Ut argentarius**, *as being, etc.*, i. e. inasmuch as he was. Cf. line 28; *Tusc. Disp.* I. 8. Often in such elliptical expressions it has a restrictive force.

5. Tempori. Cf. p. 41, line 6, note, and Z. 475, note.

7. Pro se quisque, i. e. *pro suis viribus, pro sua parte*. It is therefore better to connect it with **ceperat**. He. The meaning, however, may be, *each separately*. Gr.

8. Quod ceperat, sc. *piscium*.

12. Aquatio, the place from which must be obtained all the drinking water for the city. Garve, Bl., and Cs.; from which sweet water must be sought. Zt., who quotes Ambrosius; *Aquationem illic esse; dulcis aquae gratia innumerabiles eo pisces convenire.*

13. Isti, sc. *Syracusani*, not *piscatores*. Cs.

14. Gravate, sc. *agit* or *respondit*, *made objections*. He.

15. Quid multa, sc. *dicam* = *In short*. Z. 769; M. 479, d, Obs. 1.

16. Emit. When a circumstance is added supplementary, as it were, to a preceding verb, the verb is frequently repeated. Z. 717. **Instructos**, *with the appurtenances*. He.

17. Nomina facit, sc. Pythius. *Nomen* properly denoted the name of a debtor registered in a banker's or any other account book. Hence it came to signify the articles of an account, a debtor, or a debt itself. Dict. Antiqq. For its meaning with *facere*, see Lex. s. *Nomen* I., B. 2, b.

19. Scalmum nullam, *not even a thole-pin*, i. e. *no trace of a boat*. The *scalmus* was a strong wooden stay on the inside of a vessel to which the oar was attached by means of a thong.

20. Eos. Bl. refers to Z. 430. (Cf. p. 59, line 6, note.) He. regards **nullos** as a stronger negative for *non*. Cf. p. 19, line 3, note.

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110 23. **Quid faceret.** For the mood, see C. 205; H. 486, II.; A. 268; G. 468.

24. **C. Aquilius** Gallus, one of the most distinguished of the early Roman jurists, praetor B. C. 67 along with Cicero, in the discharge of which office he greatly signalized himself by legal reforms. Among these were the three *formulae* which he devised, one of which was for procedure in case of *fraud.* These *formulae de dolo malo* were, in part, new clauses in contracts to protect against fraud; in part, prescriptions respecting actions for restitution when in sales or similar transactions there had been fraud. The latter is particularly referred to here. It appears to have been drawn up in the form of question and answer. He.

25. The term **formula** technically denoted *a general form* of legal action to which particular cases were referred, and according to which they were tried. It consisted of four parts. The *demonstratio* explained what the subject-matter of the action was; the *intentio* was the claim or demand of the plaintiff; the *adjudicatio* gave the *Judex* authority to adjudicate the thing which was the subject of the dispute to one or other of the parties; the *condemnatio* gave him authority to condemn the defendant or acquit him. The pleadings of the plaintiff and defendant were also inserted in it. See Dict. Antiqq.; *Actio.* **In quibus ipsis,** sc. *formulis,* to be connected with **esset.**

28. **Luculente,** sc. *dictum est.*

29. **Ergo . . . igitur.** See p. 57, line 17, note.

30. **Nullum . . . utile.** See p. 109, line 28, note.

Chap. XV. 37. **Erat vindicatus,** sc. already before the time of Aquilius. Gr. **Tutela,** *fraudulent guardianship.* Gr. He. reads, **ut** *in* **tutela,** *as in matters of guardianship,* cheating was forbidden, etc.; and adds that **tutela,** the MS. reading, cannot of itself signify *tutela male administrata.* **Tutela** was the technical term for the guardianship of orphans (*pupilli*) under the age of puberty. The power of the guardian (*tutor*) had respect not to the person of the *pupillus,*—the care of whom devolved upon the mother,—but only to his property and pecuniary interests, of his management of which the guardian had to render a formal account when his ward came of age. Dict. Antiqq. **Duodecim tabulis.** See p. 19, line 33, note. This code con-

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tained a provision that a dishonest guardian must restore double of that of which he had defrauded his ward. 110

38. Circumscriptio adolescentium, *defrauding of minors,* i. e. of persons under the age of twenty-five. The **lex Plaetoria** established this distinction of age between those above (*majores*) and those below (*minores*) twenty-five years of age. Its object was to give legal protection to the latter against fraud and imposition, (to which they were considered to be peculiarly liable on account of their youth and inexperience,) without interfering with the old principle of full legal capacity being attained at the age of puberty. It punished fraud upon them by a heavy fine and loss of political rights, while it also provided that any person who dealt with a *minor* might avoid all risk of judicial proceedings, if the *minor* was aided in such dealings by a guardian (*curator*) appointed for the occasion by the praetor, whose business was merely to prevent his being defrauded or surprised, and whose consent, though not necessary to the validity of a contract, gave legal security to those dealing with him. Dict. Antiqq. **Sine lege judiciis,** i. e. where there was no *statute-law* applicable to the case, this fraud was punished by *judicial decisions.* The reference here is to *actiones honorariae, ex bona fide,* in distinction from *actiones legitimae, stricti juris.* The suit founded on the latter kind of *actio* was called a *judicium,* and was tried by a *judex,* whose authority was confined within the limits of the formula of the praetor. The suit founded on the former kind of *actio* was called an *arbitrium,* and was tried by an *arbiter,* probably so called because the whole matter in dispute was submitted to his judgment; and he was empowered to decide according to the justice and equity of the case without being fettered by the praetor's formula.

39. Additur, sc. in the formula of the praetor, that the *arbiter* shall decide **ex fide bona,** *according to good faith.* Gr. **Reliquorum judiciorum,** i. e. of the remaining cases of *arbitria.*

1. Haec, *the following.* See p. 45, line 34, note. 111

2. In arbitrio—uxoriae, *in case of a suit about a wife's dowry*—the *dos* brought by the woman to her husband on marriage. The disposal of this, when the marriage was dissolved by death or divorce, varied according to circumstances. (See

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111 Dict. Antiqq.) Questions relating to it belonged to the *actiones bonae fidei*, and were decided by an *arbiter*. **Melivs aeqvivs**, i. e. let the arbiter decide according to this principle: *Melius est, quicquid aequius est*, or *Quantum aequius (et) melius id dari;* therefore, according to equity. Gr.

3. Fiducia denoted a contract for a transference of property to another, (for the sake of greater security or for other sufficient reasons,) with the agreement that it should be restored upon certain conditions. **In fiducia**, therefore, for *in actione fiduciae*, means *in the case of a suit for the restoration of such a trust.* **Ut** = *tamquam*. **Bene agier**, *honest dealing*, sc. *oportet*. For the complete formula, see p. 113, line 29. **Agier.** For the form, see M. 115; Z. 150, foot-note.

8. Rebus contrahendis. See p. 12, line 23, note.

10. Qui—liceatur, the reading of all but one of the MSS., and adopted by Br., O., He., and Gr. The person whom the purchaser assigns to this business (**apponet**), and who appears ostensibly as his rival,—hence, *contra licens*,—seeks, by a low first bid, to depreciate the thing offered for sale, and by outbidding to check the inclination of others to bid, and thus lessens the expectations of the seller, so that the real purchaser secures the property at a cheaper price. He. Other editors, following one MS., read *qui contra reliceatur, bids back*, i. e. lower than a bid already made, to produce the impression that the article is not worth what has been offered for it. The verb *reliceri*, however, does not occur elsewhere.

11. Ad eloquendum, sc. the price which the one is willing to take and the other to pay.

12. Quintus Scaevola. See p. 44, line 37, note.

14. Indicaretur. See Lex. s. *v.* II. B.

15. Aestumare, sc. *fundum*. **Centum milia**, sc. *sestertium*.

17. Ut si, *any more than if*. Gr. Strictly, there is after **ut** as ellipsis of *sapientis fuisse negant.*

18. Igitur introduces no inference from what immediately precedes, but seems to indicate a return to the chief thought of all this discussion. See p. 95, line 17 *et seqq.;* p. 102, line 11. **Pernicies**, *pernicious idea.*

19. Ex quo = *Unde, In consequence of this;* referring to **illa pernicies, etc. Ennius.** The substance only is here given of a line from the Medea, which is quoted in full in *Epist ad. Fam.*

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VII. 6: *Qui ipse sibi sapiens prodesse non quit, ne quidquam sapit.* 111

22. Hecatonem, a Stoic philosopher, and closely connected with the principal representatives of that sect, of his age. See p. 120, line 14.

24. Q. Aelio Tuberoni, a grandson of Aemilius Paulus and nephew of Africanus Minor, a colleague (but an opponent of Tib. Gracchus in the tribuneship B. C. 133, and praetor B. C. 123. He was a pupil of Panaetius, and was called *the Stoic.*

25. Habere rationem, sc. to the increase of, as the chief object of thought and effort.

26. Neque enim, etc., depends logically upon **dicere.** The construction changes to the *Oratio Recta.* **Nobis,** C. 149, 1; H. 384, 1, 2; A. 235; G. 343.

29. Huic, sc. Hecato.

30. Omnino tantum, etc., *he declares that he will abstain from doing so much only, etc.*

31. Compendii, strictly, denotes gain in the course of trade, and in distinction from *quaestus, earnings,* (the steadily-continued gains of a regular occupation,) a single gain of considerable amount. D.

33. Sed, etc. The general inference is now stated, which is drawn from the example. **Sed,** therefore, indicates a return from the digression to the main topic. He.

Chap. XVI. 1. Jure, i. e. that which is just in selling, etc. 112
Praediorum, *real estate* of every kind, a juridical term.

4. Ex duodecim tabulis. According to Festus, the law was CVM NEXVM FACIET MANCIPIVMQVE VTEI LINGVA NVNCVPASIT ITA IVS ESTO, which Ortolan (Hist. Rom. Law) renders: *The words pronounced in the ceremonies of the* NEXUM *and the* MANCIPIUM *shall be law,* and he entitles the "Sixth Table," to which it has been assigned, DOMINION AND POSSESSION. **Praestari.** See p. 109, line 7, note.

5. Quae—infitiatus esset, sc. those which the buyer had expressly inquired about. He.

6. Reticentiae, i. e. if the defects were not of such a kind that the buyer must immediately see them. He.; that he should be responsible also for those defects concerning which the buyer had made no inquiry. Zt.

10. Arce, frequently used as a synonym of *Mons Capitolinus.*

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112 though originally one of the two summits of that hill. There was a place of observation on the Arx called *Auguraculum*, which was consecrated for the purpose of *taking the auspices*, (**augurium agere.**)

12. Caelio monte. It was necessary that the augurs, who faced the east, should have the horizon unobstructed; but a high building on this hill might intercept the view, and would be much more likely to, if the point of observation was on the S. W. peak of the Capitoline than if it were on the N. E. height. **Ea**, i. e. *eam domus partem.*

13. Insulam, originally a house not joined to the neighboring houses by a common wall; but generally it denoted a building or block which contained several houses or apartments let to different persons, and which was surrounded on all sides by streets or lanes.

14. Illud—denuntiatum est, *that same order was given*, sc. the one referred to in line 12.

18. Arbitrum—adegit, a common expression for *illum adduxit ad arbitrum*, the second accusative depending on the **ad** in composition. Cf. *Jusjurandum adigere, animum advertere, etc.* C. 122, note 2; H. 376; A. 239, *b*; G. 330, Rem. 1. **Qvicqvid—fide bona**, the formula which the praetor gave to the *arbiter*, and with which he instructed him respecting the question of law. The full form in this case would read thus: *M. Cato arbiter esto. Quod T. Claudius Centumalus P. Calpurnio Lanario aedes in Caelio monte sitas vendidit, postquam fuit ab auguribus, etc., quidquid ob eam rem T. Claudium P. Calpurnio dare facere oportet ex fide bona, ejus T. Claudium P. Calpurnio condemna.* He.

19. M. Cato, a grandson of the censor and father of Cato *Uticensis* (**nostri**). He was tribune of the Plebs, and died when a candidate for the praetorship. **Sententiam dixit**, *pronounced the decision.* See Lex. *s. Sententia*, I. B.

22. Igitur. See p. 41, line 23, note. **Judex**, used here for *arbiter*. For the distinction between them, see p. 110, line 38, note.

25. Pertinere, etc., i. e. that it was a necessary requisite of an honest contract of sale. Gr.

27. Frumentarius ille, sc. mentioned on p. 107, line 25.

28. Venditor. See p. 108, line 26 *et seqq.*

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29. Comprehendi, *be specified* or *included*, sc. in the statute. 112
For the confirmation of this, the following example is given, where two eminent jurists were at variance on the question whether a certain case came under the statute. He.

30. Tenentur, sc. *jure et legibus*, i. e. *are punished*. Gr.

31. Gratidianus, the son or grandson of M. Gratidius, whose sister married Cicero's grandfather; hence the term **propinquus noster**; a popular speaker, and twice made praetor. **C. Sergio** Silo, a praetor, B. C. 97, who received the *agnomen* **Orata** because he wore two large gold rings, or, according to another writer, because of his fondness for goldfish. He.

33. Serviebant, *was under a liability*. Certain kinds of legal control over objects were called *servitutes praediales*, either *urbanorum* or *rusticorum*, e. g. the right of inserting a beam in the wall of an adjoining house, of carrying a drain through a neighbor's grounds, a right of way, etc. Dict. Antiqq. **Mancipio.** In the account given in the *De Orat.* I. 29, the expression is *mancipii lege, in the contract of sale*. For the technical meaning of this term, see Dict. Antiqq.

35. Crassus. See p. 42, line 8; **Antonius.** See p. 76, line 27.

36. Jus urguebat, *pleaded the letter of the law.*

37. Sciens,= a concessive clause.

38. Qui vendidisset, a causal clause.

1. Quo jure, *subject to what liability*, or *legal control*, i. e. 113
what legal incumbrance there was on it.

2. Teneret, i. e. *sciret*. **Quorsus haec,** sc. *dico* or *pertinent*. M. 479, d, Obs. 1.

Chap. XVII. 5. Manu tenere, i. e. the laws can deal only with actual offences, overt acts. He. changes the reading to *teneri*, as better suited to the sense.

8. Suntne = *Nonne sunt*.

9. Excitaturus, sc. *feras*, from their lair; **agitaturus,** *hunt*. **Ipsae,** i. e. of their own accord.

11. Tabulam, sc. *auctionariam, advertisement of sale*. The singular of **plaga** is rare; yet it is the reading of all the MSS. here, and is found in Ovid and Pliny. Its use here is probably occasioned by its connection with **tabulam.** He.

12. Domum—vendas, bracketed by Br., O., and He. as spurious, especially since **eam** can refer only to **plagam,** not to **domum.**

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113 15. **Lege** and **Jure civili** cannot here stand in opposition to each other as on p. 47, line 30. Rather is **jus** the development of the general principles of jurisprudence through the edicts of the praetors, as opposed to the common law. He. Cf. p. 17, line 38. **Sanciri.** See Lex. *s. v.* II.

16. **Societas est.** Cf. p. 24, line 32 *et seqq.*

18. **Interior.** Cf. p. 24, line 35.

20. **Jus gentium.** See p. 98, line 34, note.

21. **Non idem continuo, etc.**, *is not also necessarily, etc.* The civil law may contain much that the law of nations does not.

22. **Quod autem—debet,** sc. because the law of nations contains those general principles of which the *Jus civile* embodies particular applications.

24. **Solidam,** *made of hard material, solid, substantial;* **expressam,** *perfectly delineated;* **effigiem,** *a likeness* or *figure* fashioned by art, as a statue, in opposition to the flat, shadowy, merely outline forms (**umbra et imaginibus**) of a drawing. He.

26. **Feruntur,** *they are copied.* **Naturae—exemplis,** *models* or *originals which exist in nature and truth.* He. Gr. renders **Veritatis,** *reality, practical life.*

27. **Vti ne—sim.** This is the formula of the plaintiff; and both this and the following belong to the *actio fiduciae.* See p. 111, line 3, note.

28. **Fidem tuam,** *trust in you.* See p. 52, line 17, note.

29. **Vt inter—fravdatione.** See p. 111, line 3, note.

31. **Scaevola.** See p. 44, line 37, note.

32. **Summam vim esse in—arbitriis,** i. e. *that they were of the greatest importance.* Gr.; that the judge performed a very great and difficult business, who decided a case of this kind. Zt.

34. **Manare latissime** = *latissime patere.* Cf. p. 8, line 33. He.

35. **Versari in,** *was concerned in.* **Societatibus,** *mercantile partnerships,* especially *joint-stock companies,* such as those of the *Publicani,* formed for leasing the revenues. In its widest acceptation, *Societas* denotes two or more persons who unite or combine for the prosecution of a common object. Ramsay, Rom. Antiqq. **Fiduciis.** See p. 111, line 3, note.

36. **Mandatis,** *commissions;* those things which one undertakes to do for another gratuitously. In many cases a person

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might find it convenient to intrust (*mandare*) legal or pecuniary business to an agent or attorney; and if any one who undertook such a task was found guilty of fraud, or even of carelessness, his principal might seek redress by an *Actio mandati.* **Conductis locatis,** *hired and let.* *Locare* is properly applied to a party who sets down or supplies (*locat*) some object which another party takes away (*conducit*) and applies to some purpose. The party *for* whom the work was to be performed was *Locator*, the party *by* whom the work was to be performed, *Conductor.* Ramsay, Rom. Antiqq. 113

39. Judicia contraria, *counter-charges* or *claims* brought by the defendant, all of which the *arbiter* must take into consideration. He. Ernesti defines them to be *those which in certain causes are brought against the plaintiff;* and Facciolati, *those, in quibus altera pars actionem directam habeat, ut pupillus in tutorem, alter contrarium, ut tutor in pupillum.* See Dict. Antiqq., *s. Vindicatio.*

2. Illa quidem. See p. 26, line 35, note. **Se,** subject of **videri.** 114

4. Est locata, *has its proper place.* Zt. Cf. p. 103, line 35, note.

5. Malitia does not have here its literal signification. It is that badness in the purpose which consists in a man's availing himself of a legal right, or of legal forms, in a manner which morality condemns. Long's *Verres.* Taylor defines it to be any *legal trick* by which the ends of justice were frustrated, though the letter of the law remained inviolate.

6. Ponit ante. The tmesis gives prominence to the meaning of the preposition, as in *I prae sequor* for *Praei sequor;* yet it is seldom found in prose writing. He.

7. Ductum a natura, *derived from the natural feeling of right.* He.; as far as it equally with the *jus gentium* proceeds from the feeling of right, of mankind. Gr.

8. Mancipiorum, *slaves.* See p. 112, line 33, note, for the primary meaning.

10. De fuga, i. e. their inclination to run away. **Furtis,** i. e. whether they, on account of some theft, are still indebted to some other person, to whom they must be delivered over for punishment. He. Cf. *A. Gell.* IV. 2; also *Varro R. R.* II. 10. Others, however, render the phrase *propensity to steal.* **Aedili-**

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114 um. The curule aediles had the superintendence of markets and of things exposed for sale, such as slaves. **Heredum—est,** *The case of those who inherit slaves is different*, because they could not be supposed to know their faults.

15. **Intelligentiae,** here = *sapientiae*. Cf. p. 111, lines 18–20. For the meaning of the whole phrase, cf. line 2; p. 122, line 36. **Ista innumerabilia . . . ut** = *those innumerable cases in which*.

16. **Videantur,** a clause of result and appositive.

17. **Quotus quisque,** *How few*. M. 74, Obs. 2; Z. 710.

18. **Ignoratione omnium proposita.** Cf. p. 103, lines 20–24; p. 104, lines 9–12, line 20.

Chap. XVIII. 20. **Periclitemur,** sc. *veritatem hujus sententiae*. He.

25. **Fatigandi** = *cohibendi, coercendi*.

28. **E Graecia,** sc. where he had died. **Quod—obtinerent,** i. e. *they might procure validity for the same*. Valerius Maximus, who narrates the same occurrence, probably from this passage, says *ejus confirmandi gratia*. The usual expression, in the language of the Roman law, was *obtinere hereditatem*. Bl.

32. **Alieni facinoris,** i. e. received through the crime of others.

33. **Munusculum.** The form denotes contempt. See p. 21, line 18, note, and M. 182, 1. **Satin—hoc,** i. e. *is this*, (sc. that they did not aid in forging the will,) *sufficient to free them from the appearance*, etc. He.

35. **Alterum . . . alterum.** See p. 20, line 7, note, and Z. 700, note. **Alterum vivum,** sc. Hortensius. Cicero was his successful rival in oratory, and for a considerable time his opponent in politics. Yet after B. C. 60, when Hortensius retired from political life, they usually acted together professionally, and were on terms of cordial friendship. Cicero gives expression to his grief at the death of Hortensius, and pays a hearty tribute to his worth in the first chapter of the *Brutus*. **Alterum —mortuum,** sc. M. Crassum. See p. 15, line 17, note. During his life there was bitter enmity between him and Cicero because Cicero had charged him with being privy to the conspiracy of Catiline, and because he had neither opposed Cicero's banishment nor labored for his recall. Yet Crassus sought to concili-

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ate Cicero after the return of the latter, and before his own departure for Parthia there was an apparent reconciliation between them. He. 114

36. M. Satrium, after his adoption by the uncle here mentioned, called M. Minucius Basilus Satrianus. He was a companion of Antony, and is spoken of contemptuously by Cicero (*Phil.* II. 41) as the *patronus* of Italian towns.

38. Patronum. See p. 19, line 9, note.

39. O turpem—illorum. This is the reading of the MSS., but it is not possible that Cicero would call *Basilus* (Βασιλεύς), which was as common a surname in the *gens Minucia* as *Rex* and *Regulus* in other families, a *turpis nota temporum;* and yet the exclamation **O—temporum** must refer to the rest of the parenthesis. **Nomen illorum** is the marginal note of some transcriber who did not understand that the exclamation refers to the preceding **patronum—Piceni**, i. e. it is a disgrace that States which have the right of citizenship should choose a *patronus* like conquered nations, and (from the partisan point of view of Cicero) that they should select an Antony and Satrius rather than such as Brutus and Cassius. If **nomen** were genuine, Cicero would have used *horum* with it, because Satrius was still *patronus* at the time when he wrote. He.

1. Principes, *sc.* Crassus and Hortensius. **Civis.** So He., 115
and Bl. who regards it as a genitive expressed to emphasize the greatness of the wrong. Br. also has **civis**, but takes it as an accusative with which **principes** agrees. Gr. and Hn. read, *cives.*

3. Injuriam. On the construction, see Z. 469. **Propulsat** only enhances the meaning of **defendit**, and is added for the sake of rhetorical symmetry, with reference to the following **non repellit** and **adjuvat**. Bl.

4. Ut in primo libro, sc. on p. 14, line 39 *et seqq.*, p. 16, line 10 *et seqq.* **In.** See p. 10, line 7, note, and Z. 481.

7. Verae, i. e. not obtained by forged wills.

8. Malitiosis. The wickedness is practised against the rightful heir, who is deprived of his inheritance. He. **Officiorum, etc.,** *not the reality, but the pretence of services.*

11. Regula, *principle of judgment.* Gr.

12. Ab hoc—aberit, *he will be capable of every kind of fraud.* He.

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115 **13. Istuc**, sc. *which you say ought to be done.*

15. Errore. Cf. p. 95, line 20, where *opinione* corresponds to *errore.* **Qui**, i. e. *and this*, sc. **divellere.** On the gender of the relative, see p. 65, line 36, note, and Z. 372.

Chap. XIX. 17. Si—concrepuerit, *by a snap of the fingers.* As *digitis concrepare* was a signal to a slave instead of an oral command, so the phrase became proverbial, with the meaning *to express the slightest wish.* For the tense, see p. 26, line 23, and p. 71, line 21, note.

19. Nomen—irrepere, *to get named* or *mentioned in, surreptitiously*, or *through intrigue*, or *artifice.* Lex.

21. Dares. In animated discourse, instead of a protasis with *si*, the condition is sometimes expressed in an independent clause, and that which would have been the apodosis follows also in a distinct clause. M. 442, a, Obs. 2; Z. 780.

22. Qui re vera, *although he in reality, etc.*

23. Mihi crede, in the sense of *profecto*, is used detached from the rest of the construction, the emphasis resting on the pronoun, implying *who know it better.* Z. 801. **In foro saltaret**, sc. *for joy.* Except in connection with religious festivals and rites, it was considered indecent for a citizen to dance. Cf. *Pro Murena* VI.: p. 54, line 13 *et seqq.*

24. Sentimus. Cf. p. 47, line 35.

26. Hoc—admiratur, *who is astonished, amazed at this.* Cf. p. 79, line 17. He.

27. Animi—evolvere, i. e. to bring into distinct consciousness the idea of a good man which lies undeveloped in his mind. He. **Complicatam.** The figure is borrowed from the folding together of books, letters, etc. Lex. For the meaning of **notionem**, cf. *Topica* VII. 31: *Notionem appello quam Graeci tum* ἔννοιαν *tum* πρόληψιν: *ea est insita et praecepta cujusque cognitio enodationis indigens.*

28. Jam = *tum certe.* Kühner, *Tusc. Disp.*

30. Hic non noceat, a direct question without any interrogative word. M. 450; C. 258, 5; H. 351, 3; A. 210, *b*; G. 455. See p. 116, line 10, for another instance of this form of question.

31. Veneno, *charm*, or *magic spell.* He.

32. Moveat, sc. *loco suo.*

36. C. Flavium Fimbriam, colleague of Marius in his second

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consulship, B. C. 104, a good jurist, and of considerable note 115
as an orator. The term **consularem** is added here to distinguish him from C. Fimbria, master of the horse under L. Flaccus in the Mithridatic war.

37. De patre, for *a patre*. Z. 308.

38. Sponsionem. See Lex. *s. v.* II. The *sponsio* was sometimes mutual and sometimes made by one party only, in which case it was adopted merely as a convenient form for bringing the matter to an issue. The usual formula in the *sponsio* was *ni verum causam haberet*, i. e. *unless he gained his suit.* Zt. In this case Pinthia *had made a promise* to forfeit a certain sum, if he was not proved to be *a good man*. Fimbria very properly declined to give a decision in a matter which did not belong within the sphere of judicial examination. He.

39. Ni is antiquated, but occurs in certain expressions of legal phraseology and of daily life. M. 442, c.

4. Aliquem, *any given man*. See p. 19, line 2, note. 116

6. Fimbria etiam, who was no philosopher. Gr.

8. Non modo, sc. *non*, for the omission of which see C. 256, 3; H. 552, 2; G. 484, 3, Rem. 1; M. 461, b.

10. Haec,=*De his rebus*. Z. 385; M. 223, c.

14. Quicum. See p. 19, line 36, note.

15. Mices, sc. *digitis*, lit. *move quickly with the fingers;* then a game called *Micare*, in which each of two persons guessed at the number of fingers suddenly held up by the other at a given signal. See Lex. *s. v.*, and Ramsay, Rom. Antiqq. Of course it would be easy to cheat in the dark, and the only guarantee would be the honesty of the players.

16. Nullo refellente, *without any one's convicting you of the wrong*. **Refellere** stands without an object, as in *De Orat.* II. 2. He. On the use of **nullo**, see p. 12, line 15, note.

18. Gygi. See p. 103, line 25.

23. Adversante—natura, abl. abs. of cause.

Chap. XX. 24. At enim. See p. 54, line 5, note. Under the form of anticipating an objection to be expected, Cicero passes to the consideration of the following topic. He.

25. C. Marius, who died when in his *seventh* consulship.

26. Septimum annum—jaceret. Regularly, three years intervened between the praetorship and the consulship.

27. Jaceret=*negligeretur* or *in oblivione esset*. Bl. It is a

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116 common phrase with reference to those who allowed more than the legal time to pass before obtaining the next higher office.

28. Q. Metellum, nephew of Metellus Macedonicus, (p. 35, line 28, note,) and one of the most distinguished members of his family. In his consulship, B. C. 109, he took command of the Jugurthan war.

29. Ab eo—missus esset. The ambition of Marius led him *to ask* leave of absence that he might become a candidate for the consulship. Metellus at first tried to dissuade him from so presumptuous an undertaking, but affronted him by sneering at his youth and inexperience. Finding that Marius, in consequence of this, was exciting intrigues against him in the army, and wearied out with his importunity, he at length allowed him to go. Dict. Biog.

30. Bellum—ducere, *that he was designedly prolonging the war* for the purpose of continuing in the command. Metellus remained in Numidia the following year as proconsul, but was chiefly occupied with the siege of towns, and was unable to bring the war to a conclusion; which gave color to the charges of Marius.

35. Cujus legatus esset, *although he was, etc.*, repeated in order to make prominent the infamy of his conduct. It was regarded as a violation of loyalty to his commander-in-chief for a subordinate officer to be a witness in court against him. He To the people at Rome he criticised the conduct of the war in a manner as unmilitary as it was disgracefully unfair. Mom. Marius had also been assisted in gaining his first office—that of tribune of the people—by Metellus.

36. In invidiam—adduxerit. On his return to Rome, however, Metellus was received with respect and applause. He celebrated a splendid triumph in B. C. 107, and received the title of *Numidicus*.

37. Noster Gratidianus. See p. 112, line 31, note.

39. Adhibuissent, sc. *in consilium*, in B. C. 86. See p. 54, line 39, note. **Res nummaria constitueretur,** *the coinage might be regulated*, might have a fixed and definite value. Gr. **De—sententia,** *by a joint decree* of the tribunes and praetors. Z 308. **Communiter,** p. 117, line 3, has the same meaning.

117 **1. Jactabatur nummus,** *the value of money fluctuated.* This fluctuation of silver money was caused by the circulation of a

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number of *denarii* with a base alloy, along with the genuine. He. 117

3. Cum—judicio, *with* a specification of the *penalty and the tribunal* which should take cognizance of its violation. He.

6. Alius alio, sc. *se contulerunt.* See p. 14, line 27, note. **Subselliis,** sc. *tribunorum,* where they had been deliberating. **Recta,** sc. *via, immediately.*

8. Edixit, *announced; pronuntiavit.* Gr. **Si quaeris.** See Lex. *s. v.* II. B, 5, b.

9. Tus, cerei, *incense and tapers were burned* at his statues as a thank-offering to the gods, but to the honor of Gratidianus. Gr. **Quid multa,** i. e. *To be brief, In short.*

12. Non ita magnum. Ita is elliptical, sc. *ut quis putet;* i. e. *not very great.*

16. Ob eam rem, i. e. through popularity acquired in this way. Gr.

17. Omnium, sc. *cases.*

20. Illum, sc. *C. Marium;* **hunc,** *Marium Gratidianum.* **Possumusne,** expects a negative answer. For the more frequent usage, see p. 113, line 8, note.

21. Explica—intelligentiam. The Platonic view of innate ideas, which come into consciousness by recollection, lies at the foundation of this expression. **Excute,** *examine.* **Intelligentia** is the collective term for these ideas, which singly Cicero calls *notiones.* Cf. p. 115, line 27 *et seq.*, and note.

23. Forma is bracketed by Br. and O.; **species,** by He. The ablest critics have agreed that either one or the other must be stricken out, for Cicero never connects the last two only of three co-ordinate words with *et* or *ac.* See Z. 783; M. 434, Obs. 1. But which of them should be omitted it is difficult to decide, for Cicero often uses each as an equivalent of the Platonic εἶδος, or ἰδέα. Cf. *Tusc. Disp.* I. 24; *Topica* 7. **Cadit in,** *accord with, become.* See Lex. *s. v.* II. B.

27. Splendorum et nomen, not a case of hendiadys, but **nomen** = *gloriam.* He.

29. Auferre, sc. *possit.*

32. Figura, ablat. of quality, with which the genitive **hominis** is connected instead of an adjective. He. Others call it the ablat. of the accompanying circumstances. M. 258. **Immanitatem,** *the savage nature.* Cf. p. 101, lines 25 and 26, note.

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117 Chap. **XXI.** **34. Quid? qui.** See p. 68, line 2, note, and Z. 769; M. 479, d, Obs. 1.

36. Is, qui, sc. Pompey, who in the year B. C. 59, soon after the formation of the triumvirate, married Julia, the daughter of Caesar.

37. Cujus—esset, relative clause of purpose. M. 363, a; Z. 567.

38. Alterius, sc. *Caesaris*, upon whom the aristocracy laid the responsibility of most of the acts of the triumviri, and who was therefore the most hated by them. He.

18 **1. De,** instead of the usual *ex*. **Phoenissis,** sc. *mulieribus*, a tragedy of Euripides, in which Phenician women bewail the fate of the Theban princes Eteocles and Polynices.

3. Res, *the meaning*. The original, (v. 534 *et seqq.*,) which is put into the mouth of Eteocles, is:

> Εἴπερ γὰρ ἀδικεῖν χρή, τυραννίδος πέρι
> Κάλλιστον ἀδικεῖν. τἄλλα δ' εὐσεβεῖν χρεών.

> *If wrong must be when empire is the prize,*
> *The noble cause gives glory to the wrong:*
> *In all besides let Justice hold her course.*
>
> POTTER: Trans.

The metre, like the original, is Iambic Trimeter, with the same liberties allowed to the early Roman comedy. For the feet, see p. 24, line 17, note.

6. Capitalis. See p. 21, line 20, note. **Eteocles—Euripides,** bracketed by Br. and He.; **Vel potius Euripides,** by Wyttenbach and Porson. Instead of **Euripides,** Unger reads **ipse,** sc. *qui hos versus semper in ore habebat*.) Euripides cannot be charged with a crime worthy of death, if he puts into the mouth of one of the personages of his play a sentiment corresponding to his character. Moreover, what follows shows that Cicero's censure is not directed against Eteocles, but against Caesar. He. **Eteocles** and his brother Polynices agreed to undertake the government of Thebes by turns. But in consequence of disputes between them, Polynices fled to Adrastus, who then brought about the expedition of the Seven against Thebes. When many of the heroes had fallen, Eteocles and Polynices

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resolved upon deciding the contest by a single combat; but both the brothers fell. Dict. Biog. **Id unum**, sc. to destroy the liberties of his native land. 118

7. **Exceperit.** C. 224; H. 517; A. 320, *e*; G. 627.

8. **Colligimus**, i. e. *seek for instances of.* Garve.

9. **Tibi, etc.**, i. e. *in contrast with such petty offences as these, etc.* The ethical dative with **ecce** is used even in Cicero sometimes. He.

16. **Id**, sc. *regnare.*

17. **Objurgatione**, *rebuke*, which may be uttered by a friend; **convitio**, *abusive language*, a stronger term, and implying hostility. Gr.

19. **Foedissimum.** See p. 59, line 4, note.

21. **Parens.** After the battle of Munda, in Spain, B. C. 45, Caesar received the title of *Pater patriae* from the Senate. After his death, Antony caused the words *Parenti optime merito* to be placed under his statue in the forum; and the people erected to him a marble column, with the inscription, *Parenti patriae.* He.

22. **Dirigenda**, *regulated by*, i. e. estimated by, or judged of according to, **honestate** as its standard.

23. **Re—sonare**, *sound in unison*, i. e. signify one and the same thing.

24. **Non habeo.** See Lex. *s. v.* II. A, 2, and cf. p. 62, line 16, note. **Ad**, *according to.* Z. 296. The phrase is an adjunct of **major esse possit.**

25. **Regnandi**, sc. *utilitas*, subjective genitive.

27. **Revocare rationem**, *to recall my thought* from the opinion of the mass, etc., i. e. to view the matter in its true aspect.

31. A line probably from the *Atreus* of Accius. See p. 38, line 32 *et seq.* The metre is Trochaic Tetrameter Catalectic. **Benevoli**, the reading of one MS., and adopted by Stuerenburg, Br., O., and He. The best MSS. have *boni sunt.* But this destroys the verse. Besides, **boni** does not suit the connection, either as the antithesis of **infideles** or with reference to the dative **regno** in the next line. He.

32. **Accius**, b. B. C. 170, one of the two Roman tragic poets of note. **At cui regno**, sc. *iniqui atqui infideles sunt.*

33. **Proditum**, *handed down* by inheritance, sc. to Atreus the

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118 son of Pelops. **Nam quanto plures, etc.** The course of thought is: *At alia hujus regni causa est.* **Nam exercitu—oppressit.** Quanto *igitur* plures ei regi *iniquos et infideles* **putas.** He. For a similar use of **nam**, cf. p. 75, line 32, and note.

34. Ei regi, sc. Caesar.

119 **Chap. XXII. 10. Quamquam, etc.,** *And yet;* i. e. Though these things to the mass of men seem to be useful, (*maxime videntur,* line 7) still, etc. See p. 16, line 39, note. **Id,** sc. *nihil esse utile quod non honestum.*

11. Fabricio. See p. 20, line 13, note.

12. Judicatum est, i. e. they showed by their conduct that they so judged. **Quum enim, etc.** Cf. p. 21, line 5 *et seqq.*

14. De imperio. Cf. p. 20, lines 1 and 11.

15. Perfuga, according to A. Gellius, (III. 8,) an intimate friend of Pyrrhus; according to other accounts, his physician.

21. Opinionem, sc. of the multitude. Cf. p. 118, line 24.

25. Qui talis—fuit, sc. because both (and they alone) had *received* the title of *the Just.* He. Cf. p. 96, line 32.

27. Qui—sejunxit. He only could maintain this who was prepared (as was Cicero) to subordinate the interests of foreign nations, as well as of individual citizens, to the interests of the Roman State. Yet must even he admit, as in what follows in this chapter, the dishonorable conduct of the Senate in particular cases. He. In the opinion of Gr., such assertions as this, which the author himself in part subsequently contradicts, are a proof that the work failed of receiving a careful revision.

30. Quoquo modo, sc. *fieri potest,* i. e. *bonis malisve artibus.* Cf. p. 21, line 39, **quacumque,** note.

32. L. Philippi. See p. 42, line 8, note.

33. Civitates, sc. of Asia, which had purchased or received as a reward for their fidelity to Sulla, exemption from taxes. See Mom., Vol. III., p. 377. The imposition of taxes again, after his death, seems to have been designed as a punishment because they had opposed the interests of the aristocracy. He.

34. Liberavisset, sc. *vectigalibus.* **Neque** = *sed non.* Gr.

36. Turpe imperio, sc. *Romano hoc fuit.*

37. Piratarum—fides, sc. because the former set their captives free when their ransom had been paid. Gr. **At.** See p. 54, line 5, note.

38. Vectigalia. Some of the subject States paid a fixed sum

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in money, annually; others paid tithes on the produce of the soil. The other chief sources of revenue were the rent of public lands, customs-duties, and mines. 119

3. **Etiam**, *Further*. **Cum**, instead of **ab**, as if he were about to write *non consensi*. Gr. See p. 43, line 28, note. This example does not belong here, for it contains no conflict between virtue and utility. It seems to be suggested by the thought that the government must depend upon the good-will of the citizens. He. 120

4. **Aerarium defendore**, *to maintain the interests of the treasury*. Gr.

5. **Publicanis**. See p. 55, line 35, note. In B. C. 61, they petitioned the Senate for a reduction of the terms of their contract for farming the revenues of Asia. Through the exertions of Cato, their request was refused; in consequence of which they became alienated from the Senate and joined the party of Caesar, who, when consul, B. C. 59, remitted a third part of the sum stipulated in the contract. He. **Hos**, sc. *socios*. See p. 31, line 27, note.

7. **Colonis nostris**, *private tenants*, to whom, in unfavorable years, we remit a part of their rent. Gr. **Soleremus** is in the imperfect, because it is regarded as a part of Cicero's speech on the occasion referred to. Cf. p. 53, line 31, and note.

8. **Ordinum conjunctio**, i. e. *harmony* between the Senate and the knights, to whose order the *publicani* belonged.

9. C. Scribonius **Curio**. See p. 80, line 25, note. **Causam Transpadanorum**. The Latin colonies north of the Po had long been trying to obtain citizenship in full, and had been continually opposed by the aristocracy. They obtained their request from Caesar in B. C. 49.

11. **Diceret**, *he should have said*. So Bl., Gr., Klotz, and Hn. The reading of Br. and He. is *doceret*. In the imperfect and pluperfect, the subjunctive is used, in an advisory or imperative sense, of a thing which *ought to have been done*, as distinguished from that which, according to a previous statement, has actually been done. M. 351, **b**, Obs. 4; Z. 528, Note 2. **Aequam**, sc. *causam*.

Chap. XXIII. See Synopsis.

14. **Liber de officiis**. See p. 21, line 6, note. **Hecatonis**. See p. 111, line 22, note.

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120 16. **Familiam**, here in its primary meaning, *the slaves of his household.*

18. **Ut putat**, i. e. by that which he considers expediency, but which is not so in reality, because it is opposed to virtue. He.

19. **Jactura**, sc. in a storm. See p. 34, line 14, note.

20. **Hic**, *In this case.*

21. **Res familiaris**, used subjectively, *regard for his property.*

23. **Potuerit**, fut. perf., because the ability must precede the performance of the act. **Injurium** occurs only here in Cicero, and elsewhere chiefly in the comic writers.

24. **Non plus, quam** = *non magis quam*, which is more frequent in this relation. He.

26. **Sumpta**, *engaged, chartered* ; = *conducta.* He.

28. **Sibine uterque.** So Br., O., and He., and it seems to be required by the antithesis **an—alteri**, which is destroyed by the reading of the MSS., *sibi neuter.* The reading may have been *sibine uter*, if *uter* was used in the sense of *alter uter*, as *In Verr.* III. 14: *Si uter volet, recuperatores dabo.* He.

30. **Cujus—intersit vivere**, *whose life is of more importance.* **Sua causa**, e. g. because he has a family. Gr.

32. **Micando**, *by a game of hazard.* See p. 116, line 15, note.

35. **Nefas est.** See p. 16, line 25, note.

36. **Non igitur.** See p. 115, line 30, note. **Patria—officiis**, i. e. *duties to one's native country take the precedence of all other duties.* He.

39. **Immo**, *No, on the other hand ; Much rather*, indicates an answer conveying a correction. M. 454 ; Z. 277.

121 2. **Accusabit** = *objurgabit, will rebuke.*

4. **Quaerit**, sc. Hecato, who presented the views of Diogenes and Antipater. He.

7. **Diogenes.** See p. 107, lines 35 and 36, notes. **Ait**, *says, Yes.*

8. **Fugiens**, i. e. *that does not keep ; growing flat, spoiling.*

10. **Controversa jura**, were, in contrast with *Jus certum, law-questions*, respecting which the opinions of the jurists themselves were contradictory. He.

11. **Dicendane**, sc. *sint, quaerit Hecato.*

12. **Quae—dixeris.** See p. 10, line 14, note. **Redhibeatur,**

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a legal term. Cf. Ulpian, *Dig.* XXI. 1: *Redhibere est, ut rursus habeat venditor quod habuerat.* 121

13. **Furacem** denotes only the *thievish disposition* of the slave. The seller was not obliged to state whether the slave had been guilty of stealing from him. He. It was the fact that the slave had made him liable for damages by stealing from a *third* person, that the law forbade him to conceal and held him responsible for. Hn.

15. **Orichalcum**, lit. *mountain bronze*, so called, probably, because it was obtained by fusing copper with an *ore*, and not with an already reduced metal.

17. **Mille denarium**, genitive of characteristic; lit. *a thing of the worth of a thousand denarii.*

Chap. XXIV. 20. **Pacta—servanda sint**, sc. *quaeritur.*

21. **Dolo malo.** See p. 110, line 24, note. **Solent**, sc. *edicere.* On the *Edicta*, see p. 17, line 38, note.

28. **Faciendum sit**, sc. *quaeritur.*

29. **Nec** = *et tamen non.* See p. 94, line 22, note.

31. **Sestertium milies**, *a hundred million sesterces.* C. 307, 2; H. 647, IV.; A. 379.

33. **Saltet.** See p. 115, line 23, note.

34. **Scripturus—esset.** See Lex. II., B, 3; for the form, M. 381.

35. **Necne.** See p. 10, line 24, note, and M. 452. **Promisisset.** For the mood, see p. 28, line 8, note. **Nollem.** On the meaning of this form, see p. 18, line 36, note.

36. **Fuisse gravitatis**, *would have been suited to a manly character.* Cs.

37. **Honestius mentietur**, *he will break his word in a more honorable way.* He.

38. **Nisi forte.** See Z. 526; M. 442, c, Obs. 1.

39. **Magnum—tempus**, i. e. *grave tempus, time of great peril.* He. Cf. p. 16, line 37, note.

Chap. XXV. 3. **Ne—quidem**, *also not* (*as little as the preceding*). M. 457. It is frequently used (as here) where there is no gradation. Hn. On the sentiment, cf. p. 17, line 27 *et seqq.* 122

7. **Tolleretur.** On the mood, see p. 62, line 14, note, and M. 389, Obs. 1. **Atque** is the MS. reading, and retained by O., Gr., and Bl. *Atqui* is adopted by Br. and He. **Atque** is = *Is vero.* Zt.

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122 9. **Fuerat.** See p. 16, line 25, note. **In hoc may mean either** *in this case*, as *In quo*, p. 19, line 1, or *in the case of this man*, as *in multis*, p. 52, line 27. He.

10. **Quid? quod.** See p. 117, line 34, note. Because this example has already been introduced in Bk. I., Ch. X., many regard the passage **Quid—luctibus** as an interpolation; and it is bracketed by Br. and O. The expression **tres optationes dedisset**, to which some have objected, is justified by analogous phrases, such as *De Orat.* II. 89: *Adimere omnem recusationem*: but the agreement of the passage in phraseology with that in Bk. I., and the change of subject in the successive clauses, furnish ground for doubting its genuineness. He. **Theseus.** See p. 17, line 22 *et seqq.*, and notes.

13. **Noverca**, sc. Phaedra. **Optato**, used substantively. Cf. *auditum*, p. 18, line 10, and see M. 424, c.

14. **Agamemnon.** The motive of Agamemnon in this deed is variously represented by ancient writers;—here, as an obligation in consequence of a promise; elsewhere, as a subordination of parental love to the common interests of the Greeks, or as a sacrifice to propitiate Diana for killing a stag in the grove of the goddess. He.

16. **Pulcherrimum.** On its insertion in the relative clause, see M. 320, Obs.

19. **Admittendum.** See Lex. *s. v.* II., C.

27. **Temporibus.** Cf. p. 17, line 18, and p. 20, line 23, note.

28. **Stare conventis.** On the meaning and construction, cf. p. 17, line 35, and note.

29. **Commutata utilitate**, i. e. when the fulfilment of the promise would be injurious to him to whom it was made, or when not the slightest benefit would accrue to him, while others would suffer injury. He.

31. **Simulatione prudentiae.** Cf. p. 114, line 15, and note.

33. **In—versemur**, *we may have to do with the same*, sc. **fontibus honestatis.**

35. **Virtutis.** The genitive follows *amicus*, *inimicus*, and *familiaris* when they are used as substantives. M. 247, b, Obs. 1; Z. 410. **Ac de prudentiae, etc.** Considered spurious by Unger, on the ground that it forms a second transition to the next topic, and that *apparent utility* cannot come into collision with *prudentia*, as it may with the other virtues. The para-

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graph is also bracketed by Br., O., and Gr. In the opinion of He., however, **Sed quoniam—inimica**, above, cannot of itself form a transition to the succeeding topic unless **virtutis** be considered = *magnitudinis animi*. But Cicero never uses *virtus* thus, as antithetic to *justitia*, and this supposition would destroy the meaning of that sentence. Besides, if the *second* special topic were to begin here, Cicero could not properly say, on p. 129, line 29, *Restat* QUARTA *pars*. It is to be noticed, also, that the apparent conflict between utility and prudence has been discussed to a considerable extent along with that between utility and justice, as all the examples in which apparent utility is preferred to virtue show. 122

36. **Quam—malitia.** Cf. p. 114, line 2.

38. **Animi—praestantia.** Cf. p. 12, line 24; p. 27, line 3; p. 99, line 7.

1. **Conformatione, etc.**, correctly explained by Heusinger: 123
Conformatione et moderatione, *motuum animi et actionum, quae fit* **continentia et temperantia**. He. On the meaning of **conformatione**, see p. 9, line 39, note; **continentiae**, *restraint upon outward conduct*, p. 87, line 10, note; **temperantiae**, *habitual self-command*, p. 12, line 26, note.

Chap. XXVI. See Synopsis.

3. **Utile videbatur, etc.**, an anacoluthon, as on p. 41, line 20 *et seqq*. The thought of the first part of the sentence is repeated after the parenthesis in another form.

4. **Optimum**, *most reliable*.

5. **Sed.** See p. 41, line 23, note.

6. **Tragoediae**, sc. of Sophocles, (one of whose plays was entitled 'Οδυσσεὺς μαινόμενος,) Euripides, and, among the Romans, of Accius and Pacuvius, though no tragedy on this subject is extant.

8. **Ut—dixerit**, bracketed by Br., O., and He. **At** is regularly used to introduce an objection, and such an expression as *dicat aliquis* is never added to it. He. See p. 54, line 5, note.

13. **Quid**, i. e. *what reproaches*. Gr.

16. **Ab Ajace**, sc. in a tragedy entitled *Armorum judicium*. Accius and Pacuvius both wrote a play with this name. More probably the lines quoted are from that of the former. He. The metre is Iambic Trimeter. See p. 24, line 17, note.

17. **Cujus**, here scanned as a monosyllable. In some cases,

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123 contrary to prose usage, the poets combine two vowels into one sound. The old dramatic writers go much further in this: e. g. *Quia, etc.* M. 6, Obs. 1. **Ipse princeps**, sc. Ulysses.

18. **Fidem**, sc. *ejus jus jurandi, fidelity to that oath.* According to Apollodorus, (III. 10,) Ulysses went to Sparta as one of the suitors of Helen, and advised Tyndareus to bind the suitors by an oath to the defence of that one whom Helen should make choice of, against any one who should insult him on Helen's account. Dict. Biog.

19. **Coiret**, here in its literal meaning, *join the rest.* **Institit** is followed by an infinitive in Cicero, *Aratus* 715, and *ad Fam.* X. 16, as well as in Plautus, *Capt.* III. 4, 52, and Nepos, *Attic.* XI.

20. **Palamedi**, the son of Nauplius, king of Euboea. When Ulysses, pretending madness, yoked an ass and an ox to a plough, Palamedes, to try him, placed the infant Telemachus before the plough; he stopped the plough, and was obliged to undertake the fulfilment of the pledge he had made when he was one of the suitors of Helen. Dict. Biog.

21. **Istius**, scanned as a dactyl with the elision of the final s. He. C. 266, 2, note 3; H. 608, I., note 3; A. 347, *e*; G. 722. **Percepset**, by syncope for *percepisset.*

22. **Fide—jus** = *jus jurandum.* **Fide**, a contract form of the genitive, which was still very frequent in poets and prose writers in Cicero's time. He. **Falleret**, *he would have evaded.*

27. **Rem factam**, *an authentic occurrence.* **Nostram**, *in the history of our own nation*, antithetic to **externa**. Gr.

28. **Consul iterum.** It was not in his *second consulship*, but in the following year, B. C. 255, when he was proconsul, that he was taken prisoner in a battle near Tunes. **Ex insidiis.** That the Carthaginians were victorious by means of an ambush, Polybius (I. 32) gives no intimation. The battle-ground, too, was a broad plain, affording no opportunity for an ambuscade. He.

29. **Xanthippo**, the celebrated captain, who had recently entered the service of Carthage, and who was put in immediate command of the troops, while the *commander-in-chief* seems still to have been the Hamilcar who had been previously associated with Hasdrubal and Bostar in the conduct of the war in Africa, and earlier a successful commander in Sicily. He was *not*, however, *the father of Hannibal.*

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31. Missus est—senatum. This mission to Rome, which is sometimes placed in B. C. 251, sometimes in B. C. 241, is very imperfectly attested. Mom., Vol. II. **Ut—rediret,** i. e. *on condition that, etc.* The clause depends not on **juratus,** but on **missus est.** Gr. 123

32. Captivi—quidam, sc. thirteen of the Carthaginian nobility taken among the prisoners at the battle of Panormus in Sicily, in B. C. 254.

34. Res, *the facts* or *his conduct.*

35. Domui, the reading of the MSS. It is the locative case, the more common form of which is *domi.* Cf. p. 32, line 4, and see p. 7, line 2, **Athenis,** note.

37. Communem, i. e. one which may happen to all. **Tenere,** *to retain.*

39. Quem censes, sc. *negaturum esse.* Gr.

Chap. XXVII. 1. Locupletiores, sc. *quam hae virtutes sunt.* See p. 95, line 1, note. 124

3. Omnia humana. See p. 11, line 39, note.

6. Recusavit, one of those verbs which in themselves express a hindering and resisting force (working to *prevent* a thing from happening), and are followed by a clause with **ne**; lit. *took measures that he might not, etc.* The infinitive with this verb is less common in prose. M. 375, a; Z. 544. **Jure jurando hostium,** i. e. *hostibus dato.* He.; *exacted from him by the enemy.* M.

7. Non—senatorem, i. e. *for he thought and said that he was not, etc.* M. 403, a. **Atque illud etiam** does not depend upon **negavit,** but is a form of transition with which can be supplied in thought *commemorandum est.* He.

10. Illos—esse also depends upon an affirmative verb to be supplied from the preceding negative verb. M. 403, a, Obs. 2.

12. Notice the use of the perfect in **rediit** and **retinuit**; and of the imperfect in **ignorabat,** (i. e. at the time when he was returning.) C. 193; 190, 1; H. 471, 6; A. 279; 277; G. 223.

16. Vigilando necabatur. Since all the ancient authorities agree in stating that Regulus was *put to death* by the Carthaginians, there seems no reason for disbelieving it. But the popular tradition respecting his barbarous treatment receives no credence from the ablest modern historians of Rome. Dict. Biog.

18. At stulte, sc. *fecit.* Some tense of this verb is often

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124 omitted in short propositions containing an opinion on a person's actions. Z. 771.

19. Qui—dissuaserit, a relative causal clause.

20. Etiamne, sc. *stulte fecit.* Gr.

22. Cuiquam, regularly used as a substantive, yet also as an adjective, in the sense of *ullus,* with the appellations of persons. M. 90, 3, Obs.; Z. 676.

Chap. XXVIII. 29. Nusquam, i. e. *nulla in re.* Gr.

31. Utilitatis nomen. Cf. p. 60, line 14, and note. **Splendidum.** Cf. p. 98, line 6, and note.

32. Necessarium, *a necessary principle of man's life,* one of the *fundamenta naturae.* Hn. **Quid est in jure jurando,** *What significance has an oath,*—Of what importance is it? Cf. p. 125, line 22 *et seq.* **Dixerit.** For the tense, see p. 31, line 30, note.

34. Hoc, sc. **nunquam—nocere,** the last clause of the sentence. **Commune,** *a common doctrine.* Gr.

35. Eorum qui—dicunt, sc. the Epicureans.

36. Exhibere, *assigns, imposes.* **Eorum—qui volunt,** sc. the Stoics, Peripatetics, and Academics.

37. Numquam nec, etc. The Stoics, however, held that the Deity punished the wicked by the natural consequences of their sins. He.

39. Nocere, sc. *Regulo.*

125 **1. Nulla igitur, etc.** The inference of the opponent, whose sentiments extend from line 32 on the preceding page to line 9 on this one. *Religious scruple had no such weight.* Gr.; *The obligation which religion added to the oath was not so strong a motive.* Garve. **Quae—perverteret,** *that it could overthrow, etc.,* i. e. so that it should cease to be utility. He.

2. An, sc. *timuit,* to be supplied from **timemus,** (p. 124, line 33.) He.; $=$ *An ideo jus jurandum servaret ne, etc.* Gr. On the use of **An,** see p. 23, line 10, note.

3. Minima de malis, sc. *eligenda sunt,* a proverbial saying.

4. Ista, sc. *which you mention.*

5. Illud. See p. 45, line 34, note. The quotation is from the *Atreus,* (cf. p. 118, line 31, note,) and the verses are trochaic.

6. Fregistin' fidem ?, a question asked by Thyestes.

7. The reply of Atreus, the sentiment of which is, that one

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is not required to keep his pledge to a treacherous enemy. Gr. Dedi, sc. *fidem*. 125

8. Luculente, *fitly, rightly.* Gr.; *elegantly.* Cs.

11. Ut hoc ipsum, etc., a change from the *Oratio obliqua* to the *Oratio recta*.

13. Quod—esset actum, i. e. such a promise as had been extorted by the violence of an enemy.

14. Ratum esse, *to be fulfilled*.

16. Videretur. On the tense, cf. p. 35, line 22, note. **Haec fere, etc.,** *These are the principal arguments, etc.*

Chap. XXIX. 18. The first argument against Regulus, quoted in order to reply to it. Cf. p. 124, line 33 *et seqq.* **Juppiter,** the subject of the subordinate clause attracted into the principal clause. See p. 49, line 1, note.

20. Ratio, *argument.*

22. Qui metus, i. e. what one has to fear as the consequence of violating it. **Vis,** *the nature, force;* i. e. *wherein its obligation lies.* Cs.

23. Religiosa, i. e. *praesente ac teste deo facta.* Zt.

25. Non—deorum . . . pertinet, i. e. The question is not now whether the Deity is the punisher of perjury, but whether a man is just and faithful who has not kept his promises. The oath ought not to be kept any more on this account, because the Deity is to be feared by perjurers, than because justice and fidelity require it. Zt. An oath, however, is an appeal to some superior Being, calling on him to bear witness that the swearer speaks the truth, or intends to perform the promise which he makes. Such an appeal, therefore, implies a belief not only in the existence of the Being so called upon, but also in his power and inclination to punish the false swearer; and *the force of an oath is founded on this belief.* Dict. Antiqq.

28. A verse, according to Ribbeck, from the Thyestes of Ennius. On the metre, see p. 15, line 28, note. **Apta pinnis,** *furnished with wings;* and so represented to indicate her omnipresence. Preller, Rom. Myth., thinks that *Fides* is so described because she has soared away from earth to heaven. The abstract ideas, such as *Spes, Pudicitia, Nemesis,* etc., which the Romans personified, were for the most part, however, represented as winged. **Jus jurandum Jovis,** i. e. which is sworn by Jupiter, who was considered the avenger of perjury. Bl.

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125 29. **Igitur**, i. e. since there is such a close connection of the oath with *fides*, as this verse indicates. He. **Fidem.** The worship of this goddess was traced back to Numa, who was said to have built a temple to her on the Capitoline. Others were erected there in succession in later times.

30. **Jovis**, the genitive because **vicinam** is used as a noun. M. 247, b, Obs. 1; Z. 411.

31. **Catonis**, the Censor.

32. **At enim**, etc., the second argument quoted for reply. Cf. p. 124, line 38.

34. **Non modo non.** The second **non** is omitted in two MSS., and is bracketed by Br., O., and Gr. It is not, however, necessarily omitted in such a connection as this. He. See p. 116, line 8, note, and cf. p. 124, line 19.

35. **Maxima—philosophi**, sc. the Stoics.

126 2. **Testem**, i. e. Regulus, by his actions, *bore witness* to the truth of their doctrines. Gr.

4. **Principem**, *one of the chief men.* Bl.

6. **Nam** forms the transition to the third argument. Cf. p. 125, line 3.

7. **Ut turpiter**, sc. *faciat.* Bl. Cf. p. 125, line 2. **An est ullum, etc.** The connection of thought is: *As to what they affirm, etc., I say it is false, for can there be a greater evil, etc.* He.

8. **Quae**, sc. *turpitudo.*

9. **Habet—offensionis**, *excites disgust, aversion.*

10. **Turpificati** occurs only in this place. It is formed like *mitificatus* after the analogy of *amplificatus.* He.

11. **Nervosius . . . disserunt**, sc. the Stoics. Cf. p. 98, lines 1–9. Cicero often uses *nervosus* of *strength* in expression and in thought. He. **Remissius**, (line 13,) sc. the Peripatetics. Cf. p. 102, line 36 *et seqq.* Both adverbs are properly used of the condition of the sinews of the body and of the bow strung and unstrung. Bl.

14. **Nam** introduces the fourth argument. Cf. p. 125, line 7.

16. **Tractaretur Atreus**, i. e. the character *Atreus was delineated, exhibited.*

17. **Serviendum fuit**. i. e. The poet must express such sentiments as accorded with the character of Atreus. **Sibi sument**, *they shall adopt as their opinion.* Gr.

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18. **Fidem,** sc. *eam.* Gr. 126

19. **Est autem, etc.,** bracketed by Br. and He. on the ground that it interrupts the course of thought. **Quod enim, etc.,** is closely connected with the sentence preceding this one, in which the discussion was respecting an *infidelis,* not, respecting a *hostis.* An oath made to the latter was always binding. He.

21. **Mens conciperet,** i. e. *homo mente conciperet.*

22. **Quod aliter,** sc. *se habet.* i. e. In regard to which he did not suppose at the time of taking the oath that it ought to be kept. Hn. This was the doctrine of the Stoics, who recognized something similar to *mental reservation.* He.

23. **Fecerit,** sc. *is qui juravit.* **Ut,** *As for example.*

26. **Ex perduellium—definitus.** As Cicero often says *ex numero esse* for *in numero,* so here the expression = *ita definitus ut sit ex numero, etc.* **Perduellium,** the antique term for *hostis.* Cf. p. 19, line 30, note. He who, like the Stoics, derives the duty of justice from the necessities of men for society, cannot recognize that duty towards the robber, who, as far as is in his power, destroys the bond of society. He.

28. **Non falsum jurare, etc.** i. e. Not every one who *does not keep his oath* is a perjurer. Cicero here runs upon the Scylla of *mental reservation.* Gr. Cf. p. 21, line 4, and note; *Acad.* II. 47.

29. **Ex—sententia,** *on your conscience.* See Lex. *s. Sententia,* I. B, 2. The whole clause corresponds in meaning with **ita—ut mens—oportere,** line 21.

30. **More nostro,** i. e. in the formula of our law.

32. A translation of v. 611 of the Hippolytus:

Ἡ γλῶσσ' ὀμώμοχ', ἡ δὲ φρὴν ἀνώμοτος.

The metre is Iambic Trimeter. With these words Hippolytus justifies himself for disclosing the proposals of his step-mother after he had sworn to keep silence respecting them. He.

34. **Perturbare** = *violare.* **Justo—hoste,** i. e. *eo qui bellum gereret legitime denuntiatum et indictum.* Cs. Cf. p. 19, line 11 *et seqq.*

35. **Adversus quem,** *with reference to whom.*

1. **Jus fetiale.** See p. 19, line 10, note. 127

Chap. XXX. 4. T. Veturius Calvinus and **Sp. Postumius**

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127 Albinus were colleagues in the consulship in B. C. 334, and *a second time* in B. C. 321.

6. **Caudium**, a town in Samnium near the border of Campania. In its vicinity was the celebrated pass called *Furculae Caudinae*, where in the second Samnite war the Roman army was entrapped by the Samnites under Caius Pontius.

8. **Injussu—fecerant.** That the Romans themselves, only after a disastrous battle, determined upon the disgraceful treaty is in itself probable, and is confirmed by the testimony of Appian and Zonaras, although it is expressly denied by Livy (IX. 5). He. See Mom. I., 471.

9. **Q. Maelius** and his colleague, **Ti. Numicius**, maintained that the treaty with the Samnites ought to be confirmed. They had been present at the battle, and with other officers were surrendered to the Samnites.

10. **Tribuni plebis.** To account for the presence in the camp of these tribunes, who were forbidden by law to spend a night without the walls of Rome, it has been conjectured, not without probability, that they were *tribunes elect*, who, as the representatives of the people, (hence **eorum auctoritate,**) carried to the army a ratification of the treaty. He. See, however, Niebuhr's discussion of this point, Vol. III., p. 220.

11. **Dediti sunt.** The Samnites, however, would not receive them, partly because they were too magnanimous to do so, and partly because they would thereby have admitted the Roman plea, that the agreement bound only those who swore to it, and not the Roman State. Mom.

12. **Qui dedebatur,** *who was thereby delivered up, whose surrender was in question.* See C. 190, 3; H. 469, 1; A. 277, c; G. 224; M. 337, Obs. 1.

13. **Suasor et auctor.** He proposed and advocated it in a speech.

14. **C.** Hostilius **Mancinus,** *sc. fecit.* In his consulship, B. C. 137, he had command of the war against Numantia, and after several defeats, having been entirely surrounded by the enemy, negotiated a peace through his quaestor, Ti. Gracchus. The treaty being repudiated by the Romans, he was surrendered to the Numantians, who, however, refused to receive him.

17. **Ferebant,** *proposed*, sc. to the people. It provided that the ratification of the treaty should be refused, and that the

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responsibility should rest on those who had concluded it. Mom. 127
III., p. 27. **L. Furius** Philus, **Sex. Atilius** Serranus, consuls in B. C. 136. The former was a friend of Scipio and Laelius, and a zealous student of Greek literature.

18. **Q. Pompeius**, commander in Spain in his consulship, B. C. 141, was defeated several times, and, having besieged Numantia in vain during the winter, sought to negotiate peace. The Numantians surrendered to him at discretion, under the secret promise that only the prisoners and hostages in their hands should be given up, and a payment of thirty talents made, and paid a part of the money; but on coming to make their last payment, when he was relieved of his command, he denied that any treaty had been concluded. The matter was referred to the Senate, who declared the treaty invalid, and that the war should be continued—thus becoming a party to the knavery of Pompeius. Mom. III., p. 26.

19. **Quum—esset**, *although he was, etc.*, sc. as Mancinus. **Accepta—est.** Cf. line 17, **qua accepta, etc.**

20. **Hic**, *In this case.*

22. **Ab** indicates the personification of the idea in **honestatis auctoritate. At non,** etc. Cf. p. 125, line 14. This additional argument is answered in the next sentence.

23. **Quasi—adhiberi.** This sentiment of the Stoics, that the wise man cannot be forced, follows from their doctrine of the freedom and self-sufficiency of the wise man. He.

24. **Cur igitur**, sc. since he could not be forced. He.

25. **Proficiscebatur**, *sc.* Regulus. On the tense, see p. 124, line 12, note.

27. **Non—stetit**, *he did not content himself with, did not depend upon, etc.* Gr. **Suscepit causam**, i. e. advocated the retention of the captives and his own return to Carthage, leaving to the Senate to decide what was best for the interests of the Republic.

28. **Cui**, sc. *causae.*

29. **Auctor**, *advocate.*

30. **Ita**, i. e. If this had been done.

32. **Sentire illa**, i. e. to hold the opinion he had expressed to the Senate.

33. **Immo vero**, sc. *dicere debuerunt*, to be supplied from **aiunt.** He.

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127 **37. Hoc exemplo**, sc. of Regulus.

38. Praestantius, sc. *aliquod esse exemplum*.

Chap. XXXI. 39. Ex—Reguli, i. e. *quum multa sint laudanda*. Zt.

128 **2. Censuit.** Cf. p. 20, line 28, and note.

7. Sacratae, sc. *leges*. See Lex. *s. v.* II. 1. Especially were the laws respecting the right of appeal to the people and the tribunitian power, so called. Gr.

9. Animadversiones is the general term, while **notiones** denotes, properly, only the mildest form of censorial reproof. He. See p. 36, line 1, note.

11. L. Manlio Capitolino Imperioso, dictator B. C. 363.

12. Diem dixit, *gave formal notice of an impeachment*, a technical expression. Ramsay, Antiqq. **Quod is—addidisset**, sc. in order to conduct the war against the Hernicans; according to Livy, VII. 3 *et seqq.*

14. Quod—jussisset. The son was said to have been dull of mind in his youth, and was brought up by his father in the closest retirement in the country. The latter was accused of being cruel and tyrannical in his treatment of him. Dict. Biog.

16. Quod, sc. **negotium—patri.** See M. 449.

17. Negotium exhiberi, a common phrase for *accusari*. He.

18. Prima luce, the reading of most of the MSS.

21. Arbitris, *witnesses*, the primitive meaning.

24. Missum—facturum, *would withdraw the accusation from*. See Lex. *s. Mitto*, II. G.

28. Atque hic, etc., bracketed by Br., and O. following Ernesti, who considers it a gloss because it is not relevant to the topic here treated of. He. admits this fact, but considers it genuine, and that Cicero introduced it only because he wished to show the greatness of the ancient times in another respect.

29. Ad Anienem, sc. in B. C. 361, according to Livy, when he was a military tribune in the war against the Gauls.

30. Torque. From the dead body of the barbarian he took the chain which had adorned him, and placed it around his own neck; his comrades, in their rude songs, gave him the surname of *Torquatus*, which he continued to bear and handed down to his descendants.

31. Tertio consulatu, B. C. 340, when P. Decius Mus was his

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colleague. **Ad Veserim**, a stream in Campania, near the foot of Mt. Vesuvius. 128

33. Idem, *yet.* **Severus in filium.** Shortly before this decisive battle, his son, provoked by the insults of a Tusculan noble, accepted his challenge and slew him, notwithstanding the consuls had proclaimed that no Roman should engage in single combat on pain of death. In accordance with this proclamation, Torquatus ordered the execution of his son. Dict. Biog.

Chap. XXXII. 35. Decem illi, etc. Cf. p. 20, line 31 *et seqq.*, and note, and Livy XXII. 58, 61.

37. Castra ea. The Romans had two camps on the banks of the Aufidus, both of which were surrendered to Hannibal the day after the battle, the smaller first. Livy XXII. 52. **Quorum.** For the case, see C. 167, 2; H. 410, V. 3; A. 249, *a*; G. 405, Rem. 3.

38. Si non redierunt. As to the fact of their return, accounts differed.

1. Polybius, the distinguished Greek historian, b. in Megalo- 129
polis in Arcadia about B. C. 204, d. about B. C. 122. **Bonus auctor.** Cf. p. 123, line 4. His statement (Bk. VI. 56.) is: "Ten persons, the most illustrious that were among them, were appointed; and the general, having first commanded them to swear that they would return to him again, suffered them to depart. But one of the number, as soon as they had passed the intrenchment, having said that he had forgotten something, went back into the camp, took what he had left, and then continued his journey with the rest, persuading himself that by this return he had discharged his promise and satisfied the obligation of the oath."

2. Unum qui, the conjecture of Unger, and adopted by Br. One MS. inserts, between **missi** and **egressus**, *novem revertisse dicit, a senatu re non impetrata; unum ex decem, qui paullo post quam erat;* in the others these words are entirely wanting. They are adopted by Gr. and He., who, however, admit that the correct reading is doubtful.

5. Interpretabatur, *he put* this *interpretation* or *construction upon it.* Lex. **Astringit,** *convicts of, makes guilty of.* He.; *strengthens, confirms.* See Lex. This is the reading of two MSS., adopted by He. and Gr. on the ground that *distringit,*

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129 which all the other MSS. have, and which is retained by Br. and O., gives no suitable meaning.

7. **Calliditas.** Cf. p. 63, line 13, note. **Imitata.** Cf. p. 114, lines 2, 15; p. 122, line 36.

9. **Sed illud maxumum,** etc., bracketed by Br. and O. He. admits that it removes the following sentence, **Acilius autem,** etc., too far from **De quibus—Nam Polybius,** etc., yet regards it as genuine because it is an almost literal translation of Polybius, and is, for the most part, quoted by Nonius. Gr. considers it pertinent to the connection, inasmuch as it is an exhibition of *fortitudo* (sc. line 17, **tam excelso animo**) on the part of the Senate, in preference to *utility.*

11. **Periculo—diffugissent,** *had escaped in the peril of death.* **Periculo** is abl. of time, like *pace, bello, etc.* He. M. 276, Obs 2.

12. L. Aem. **Paulo,** who was slain in the battle; C. Terentio **Varrone,** who escaped and collected together the remnant of the army at Canusium.

14. **Parva pecunia,** according to Polybius, for three minae = $17.60, apiece; according to Livy, (XXII. 58,) for five hundred *denarii* ($80.00) for a horseman, and three hundred ($48.00) for a foot-soldier.

16. **Idem,** sc. Polybius, Bk. VI. 58: "Hannibal was much less filled with joy from having vanquished the Romans in the field, than he was struck with terror and astonishment at the firmness and magnanimity that appeared in their deliberations."

18. **Honestatis comparatione,** *by a comparison with rectitude,* (here, in particular, *fortitudo.*)

19. **C. Acilius** was perhaps a contemporary of Cato the censor. His history appears to have comprised the Punic wars.

20. **Qui—eadem fraude,** i. e. who had practised the same deceit in returning, etc.

22. **Censoribus,** sc. M. Atilius Regulus and P. Furius Philus, B. C. 214.

23. **Hujus loci,** *this topic,* sc. the apparent conflict of *utilitas* with *fortitudo.* Cf. p. 122, line 37 *et seqq.*

26. **Opus esse,** *to be expedient.* See p. 107, line 5, note.

28. **Foeda.** See p. 59, line 4, note. **Turpia.** See p. 48, line 15, note.

Chap. XXXIII. 29. **Quarta Pars.** See Synopsis, and cf. p. 37, line 24 *et seqq.*, and notes; p. 122, line 39 *et seqq.* The appa-

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rent utility which is opposed to the fourth virtue is *pleasure.* 129
Therefore Cicero directs his argument against those philosophers who, like the Epicureans, placed pleasure above virtue, or, like Calliphon, on an equality with it. He. **Decore.** See p. 13, line 9, note.

32. Ab Aristippo Cyrenaici, an imitation of the Greek οἱ ἀπὸ Πλάτωνος, and a common expression for *the adherents or followers* of a school. Z. 304. Cf. *Pro Mur.* XXX.: *Nostri illi a Platone et Aristotele; De Orat.* II. 14: *Post ab Aristotele Callisthenes.* Hand (*Turs.*) explains this use of **Ab** by supplying *profecti.* For a brief account of **Aristippus,** see p. 55, line 16, note. He regarded pleasure as the ultimate end of life and the highest good. But this pleasure, in his view, was not happiness as a condition embracing the whole life, nor pleasure reduced to a system, but only the individual sensation of pleasure which the body received; and in this all determinations of moral worth entirely disappeared. Schwegler, Hist. of Phil.

33. Annicerii, *the followers of Anniceris,* a Cyrenaic philosopher, and perhaps a contemporary of Epicurus, who forms a link between the Cyrenaic and Epicurean Schools. He agreed with Aristippus, and was opposed to Epicurus, in denying that pleasure was merely the absence of pain, for if so, death would be a pleasure; and in attributing to every separate act a distinct object, maintaining that there was no general end of human life. But he differed from Aristippus, inasmuch as he allowed that friendship, patriotism, and similar virtues were good in themselves; saying that the wise man will derive pleasure from such qualities, even though they cause him occasional trouble. Dict. Biog. **Philosophi nominati,** *philosophers only in name.*

36. Epicurus, whose school of philosophy was founded B. C. 306, placed the highest good in pleasure, but held that men should strive after a system of pleasures which should insure an abiding course of happiness for the whole life; and that the pleasure of the soul, which consists in the untroubled tranquillity of the sage, should be held in greater esteem than that of the body. He would even affirm that virtue is inseparable from true pleasure, and that there can be no agreeable life without virtue. Schwegler.

37. Ejusdem fere, sc. because he held with them the doctrine that the worth of virtue consisted only in this, that it was pro-

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129 ductive of pleasure. His ethical doctrines were afterwards misinterpreted, and made to minister to mere sensuality. He.

38. Cum his, sc. *philosophis.* **Viris equisque**, *with horse and foot*, i. e. *with might and main.* Lex.

39. Sententia est, = *constitutum est.* See p. 19, line 28, note.

130 **2. Ejusque—spe explorata**, i. e. *the well-founded hope that it would always remain vigorous. De Fin.* II. 28: *Metrodorus, paene alter Epicurus, beatum esse describit his fere verbis; 'quum corpus bene constitutum sit et sit exploratum ita futurum'; Tusc. Disp.* II. 6. For the ablative, see M. 255, Obs. 2; Z. 452.

3. Metrodoro, a native (probably) of Lampsacus, and the most distinguished of the disciples of Epicurus. By the sentiment here expressed, he only meant that pleasure had its beginning in the body. He also taught that man, without the rest of soul which virtue alone gives, could not be happy. He.

5. Ubi—locus dabitur, i. e. *what place will prudence occupy in his system?* He.

6. Prudentiae. See p. 57, line 6, note.

8. Munus, *office-work*, to which **isto**, in the next line, refers.

10. Jam, *moreover.*

12. Fortitudo. See p. 11, line 39; p. 27, line 1 *et seqq.*; p. 122, line 39.

15. Id. See Z. 748. **Consentaneum.** Cf. p. 9, line 15.

16. Terminaverit, *fixed the limits*, i. e. recognized no good except pleasure, no evil except pain. Cs.

17. Ut. See p. 126, line 23, note,

18. Aqua haeret, *the water stops, will not flow*; i. e. *he is at a loss*, he cannot extricate himself from difficulties. He. The figure is that of a water-course choked up.

21. Libidinum. On the case, see p. 122, line 35, note.

22. Tribus generibus, sc. *Sapientia, Fortitudo, Temperantia.*

23. Tergiversantur, *they practise evasion.* They seek means of escape from those who charge them with rejecting these virtues, by pretending to harmonize them with their own doctrine, that pleasure is the highest good. Cf. *Tusc. Disp.* III. 18.

24. Introducunt, *exhibit* or *represent.*

26. Expediunt, i. e. know how to explain in conformity with their doctrines. Gr. **Tradunt**, *teach*, sc. that it is, etc.

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28. Illi quidem. See p. 26, line 35, note. 130

30. Voluptatis magnitudinem, etc., i. e. when pain is removed, there can be no further increase of pleasure. Cf. *De Fin.* II. 3: *Cui omnis dolor detractus esset, variari non augeri voluptatem.* **Finiri,** *finds its limits in.*

31. Justitia vacillat. Justice has no firm foundation in the system of Epicurus, who taught that it was not desirable in itself, but that it was necessary for the sake of peace of mind, since the unjust man must live in continual fear of punishment from gods and men. He.

32. Communitate. Cf. p. 14, line 5, and note.

34. Amicitia. Friendship is, indeed, according to Epicurus, one of the highest goods of life, so that the wise man will be ready to suffer death for the sake of his friend; yet in conformity with his fundamental principle, that pleasure alone has worth in itself, he also taught that friendship was limited by pleasure, i. e. was to be sought for the sake of the advantages it bestows. He.

35. Expetantur. For the mood, see M. 348, Obs. 2.

36. Referantur. Cf. p. 17, line 15, and note. **Conferamus —pauca,** *sum up* or *recapitulate briefly* what we have discussed at length.

38. Omnem voluptatem—contrariam. This was the doctrine of the strictest Stoics. Cicero had especially in mind here ignoble, licentious pleasures. He.

1. Calliphontem et Dinomachum, probably disciples of Epi- 131
curus. *Calliphonem* is the MS. reading, and He. retains it. Gr. and O. prefer **Calliphontem.** See M. 41, 2; 45; Z. 56, 7.

5. Finis bonorum. See p. 9, line 37, note, and Introd., p. 139. Since he is speaking here of the possibility of uniting virtue and pleasure, the question is respecting the highest principle of good only. **Et malorum** is therefore superfluous. He. It is also bracketed by Br. and O.

7. De hoc, sc. *fine bonorum.*

8. Alio loco, sc. in *De Finibus,* Bk. II. **Pluribus,** sc. *diximus.*

12. Nulla—conjunctio. Pleasure must neither be placed by the side of virtue, as on an equality with it, nor, like real utility, be regarded as inseparable from virtue. He.

13. Ut tribuamus, a concessive clause. **Condimenti,** *seasoning.*

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131 **17. Perinde—acceperis,** i. e. *tanti erit, quanti feceris.* He.

18. Commentarios are *the dictations* or *lectures* received by the pupil from the mouth of his teacher. Marcus writes to his father's freedman, Tiro (*Ad Fam.* XVI. 21): *Multum mihi enim eripitur operae in exscribendis hypomnematis,* i. e. his *notes* of Cratippus' lectures.

26. Praesens—ut spero, a hope not destined to be realized. Cicero fell a victim to the proscription of the Triumviri on the 7th of December, B. C. 43, about a year after the completion of this treatise. **Prope diem,** *at an early day; very soon.*

28. Te quidem, etc., instead of *te carissimum quidem mihi. Quidem* is attracted by the pronoun, and is therefore often separated from the word to which it properly belongs, in order to be joined to a neighboring pronoun. Z. 801.

29. Monumentis, the reading of all the MSS., and retained by O. and Gr. Cf. p. 58, line 4, and note; p. 93, line 15. Br. and He. adopt *monitis,* a conjecture of Lambinus. He. thinks the connection with **praeceptis** makes it probable that this is the right reading, and refers to *Phil.* XIV. 7: *Omnium praeceptis monitisque; ad Fam.* V. 13: *Tuis monitis praeceptisque.* **Monumentis,** *books,* the witnesses of parental affection, in which are contained profitable *instructions,* **praeceptis. Zt.**

APPENDIX.

SYNONYMS AND OTHER WORDS EXPLAINED IN THE NOTES.

THE END.